
KNIGHT'S
Annotated
Model Byelaws.

FIFTH EDITION



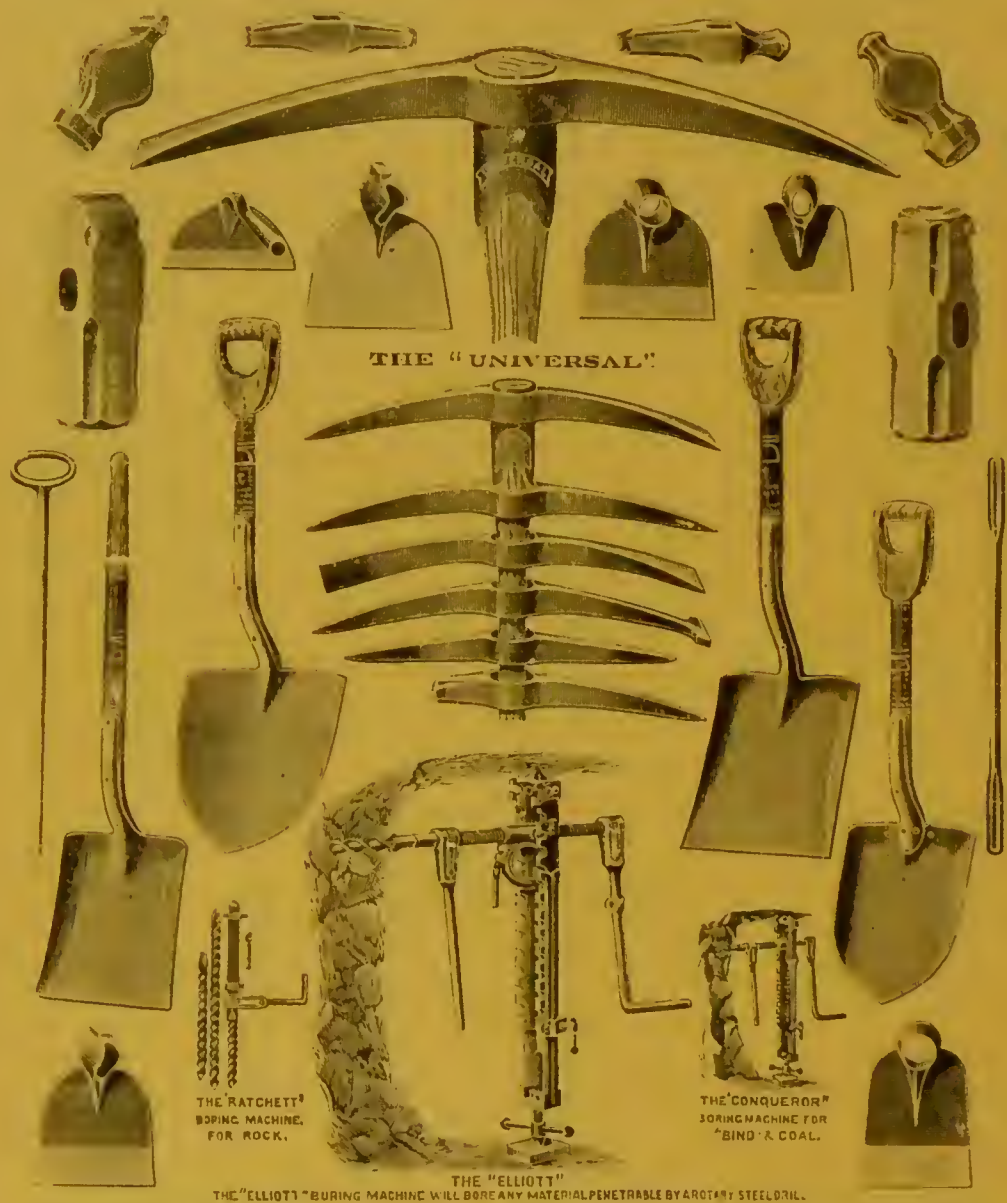
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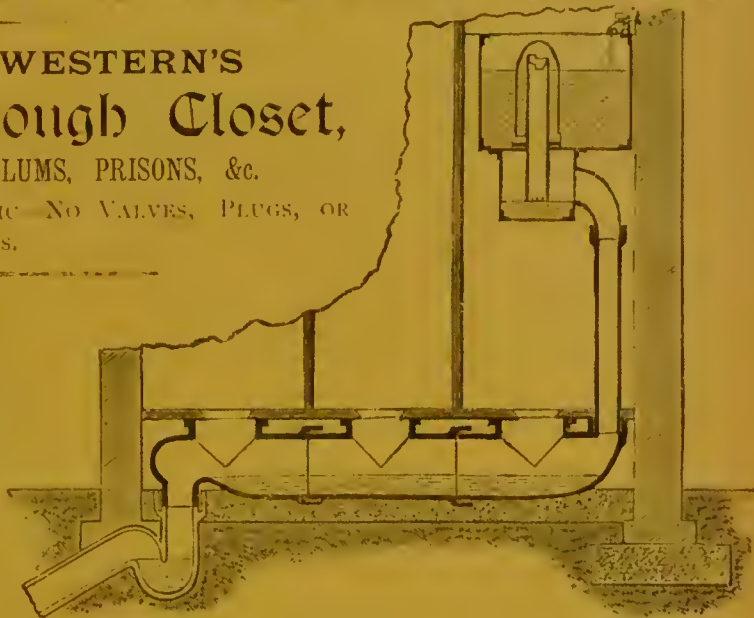
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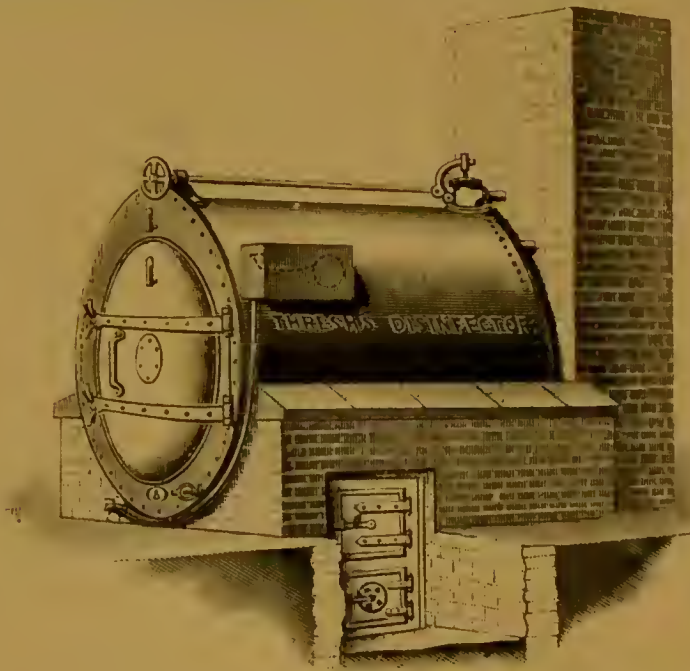
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KNIGHT'S

ANNOTATED

Model Byelaws

OF THE

LOCAL GOVERNMENT BOARD,

WITH RESPECT TO

I. CLEANSING OF PRIVIES, ETC.

II. NUISANCES.

III. COMMON LODGING-HOUSES.

IV. NEW STREETS AND BUILDINGS.

V. SLAUGHTER-HOUSES.

WITH DIAGRAMS AND APPROVED ADDITIONAL CLAUSES.

FIFTH EDITION.



LONDON: KNIGHT & CO., LOCAL GOVERNMENT PUBLISHERS,
90 FLEET STREET, E.C.

1897.



PREFACE TO THE FIFTH EDITION.

THE mere fact that this work has already passed through four editions, and that its sale is still so continuous as to call for this, the Fifth Edition, makes it unnecessary for the Publishers to do more than inform their numerous *clientèle*, and notably the many architects, builders, and public officials amongst whom the work has been in constant request since its first appearance in 1883, that the purposes set out in the Preface to the First Edition are fully maintained. They would, however, add that this fresh issue has been brought up to date both as regards new byelaws, extended annotations, fresh legal decisions, and modern diagrams; and they offer the work with full confidence as to its increased value for technical and administrative purposes.

90 Fleet Street, E.C.

June, 1896.

PREFACE TO THE FOURTH EDITION.

THE First Edition of this work was issued in January, 1883, the second in March, 1885, the third in June, 1890, and now the issue of a Fourth Edition alone suffices to show that it has met and still meets a need. It is also evident that the Explanatory Notes, Diagrams, Judicial Decisions, and other matter bearing upon the application of the Model Byelaws issued by the Local Government Board, have facilitated the work of Sanitary Authorities and their officers in the preparation and administration of codes of byelaws within their districts. The Publishers have further learnt with satisfaction that the work has been found useful to architects, builders, and others, and having been prescribed as a text book by important examining bodies, has rendered great assistance to a large number of students.

With a view of rendering the work still more helpful in these several directions, care has been taken to bring it up to current date in each of the matters dealt with. New byelaws, which have been prepared to meet special wants, and which have received the approval of the Local Government Board, have been added ; fresh explanatory Annotations and Diagrams have been inserted ; and recent Judicial Decisions on the subject of byelaws and their interpretation have been carefully summarized. In short, the work has been compiled and revised under circumstances which enable the publishers to issue it with every confidence that it will be found thoroughly reliable in all its details.

PREFACE TO THE FIRST EDITION.

FEW contributions affecting questions of local government are calculated to have a more important influence on the future sanitary administration of this country than the recently completed issue, by the Local Government Board, of their series of Model Byelaws.

The large demand which has been made for them by Sanitary Authorities and others, has shown the value which attaches to them, and the extent of their adoption would have been even greater than has actually been the case, had it not been for the necessarily somewhat complex and detailed nature of many clauses, the precise scope of which it was requisite to define. Indeed, it is within the knowledge of the publishers that hesitation on the part of Sanitary Authorities to adopt the byelaws has been largely due to the want of some trustworthy explanation both as to the precise meaning of some of the clauses, and as to the grounds on which it has been deemed necessary to include others in the several series.

These remarks apply with special force to those byelaws which relate (*a*) to the Cleansing of Footways, Ashpits, Privies, &c., and to the Removal of House Refuse; (*b*) to the Prevention of Nuisances and the Keeping of Animals; and (*c*) to New Streets and Buildings, and for this reason the publishers have decided to supply an edition of the model series as to these clauses, in which the wants indicated will be fully met. Full explanatory notes have been appended to each of the clauses, and, where necessary, diagrams have been prepared in order further to illustrate their meaning. In the preparation of the notes the publishers have taken care to

ensure that the information afforded should not only be in every respect correct, but that it should at the same time be based upon modern scientific and practical data. Pains have also been taken to indicate clearly, in the several diagrams, the precise points to which attention should be directed, and a series of valuable lithographs showing the various methods by which the byelaws as to house-drainage may most efficiently be carried out, has been specially prepared for the work by Mr. Rogers Field, Member of the Institution of Civil Engineers.

Several important modifications of, and additions to, the model series as originally published, have also been introduced. The modifications have reference, in the main, to points which local experience has indicated as necessary in certain districts, and both the modifications and the additions have in every case received the official sanction of the Local Government Board. Thus, clauses have been introduced dealing with such subjects as—the hours during which scavenging of privies, &c., should be carried out ; the construction of buildings of half-timber work, or with cavity walls ; the dispensing in certain cases with parapets to party walls ; the preparation, for building purposes, of land that has been excavated for brickmaking, and of other low-lying sites.

Appendices containing information as to the required capacities of privies, ashpits, &c., and embodying the various clauses of the Statutes bearing upon the several byelaws, have also been prepared ; and with a view of facilitating reference, a copious index has been added to the volume.

In conclusion, the publishers would express the confidence with which they submit the work, not only to members and officers of Sanitary Authorities, but also to architects, builders, and to all who are concerned, in one way or another, with the conditions which should regulate the future extension, and the sanitary administration, of districts in which they reside or have an interest.



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*Extracts from a Letter addressed by the Local Government
Board to Urban Sanitary Authorities.*

PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT., c. 55.)

MODEL BYELAWS.

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.,

SIR,

25th July, 1877.

I AM directed by the Local Government Board to forward herewith, for the use of the Urban Sanitary Authority, printed copies of a selection of model forms which the Board have caused to be prepared for the guidance of Sanitary Authorities in framing byelaws under the Public Health Act, 1875, and the other statutory provisions which, by the operation of that Act, are rendered applicable to their respective districts.

In the preparation of these forms the Board have not hesitated to seek assistance from advisers whose practical experience rendered their criticism of the proposed clauses of especial value.

* * * * *

Thus, the Board have been favoured with a very comprehensive and elaborate statement of the views of the Royal Institute of British Architects upon the byelaws for the regulation of new streets and buildings.

Equal care has also been bestowed upon the work of rendering the model series free from objection upon legal grounds. The Board have endeavoured to exclude every provision of doubtful validity, and to confine the clauses strictly within the limits imposed by the statutory enactments by which they are authorized.

In their selection of the subjects, the Board have been chiefly influenced by their experience of the ordinary requirements of Sanitary Authorities; though the Board hope to be able, as

time and opportunity permit, to extend their model code to the whole range of matters to which byelaws under the Public Health Act relate.

The contents of the series, of which copies accompany this circular, may be thus summarized :

I. Byelaws which are intended for operation where the Local Authority do not themselves undertake or contract for—

- (a) the cleansing of footways and pavements adjoining any premises ;
- (b) the removal of house refuse from any premises ; and
- (c) the cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises, and which impose the duty of such cleansing or removal, at such intervals as the Local Authority think fit, on the occupier of any such premises.

(38 & 39 Vict., c. 55, s. 44.)

II. Byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

(38 & 39 Vict., c. 55, s. 44.)

III. Byelaws with respect to common lodging-houses :—

- (a.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein ; and
- (b.) For promoting cleanliness and ventilation in such houses ;
- (c.) For the taking precautions in the case of any infectious disease ; and
- (d.) Generally for the well ordering of such houses.

(38 & 39 Vict., c. 55, s. 80.)

IV. Byelaws relating to new streets and buildings :—

- (a.) With respect to the level, width, and construction of new streets :
- (b.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings, for securing stability and the prevention of fires, and for purposes of health :
- (c.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings :
- (d.) With respect to the drainage of buildings, to water-closets, earthclosets, privies, ashpits, and cesspools

in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation :

- (c.) As to the giving of notices ; as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings ; as to inspection by the Sanitary Authority ; and as to the power of such Authority to remove, alter, or pull down any work begun or done in contravention of such byelaws.

(38 & 39 Vict., c. 55, s. 157.)

V. Byelaws relating to slaughter-houses :—

- (a.) For the licensing, registering, and inspection of slaughter-houses ;
 (b.) For preventing cruelty therein ;
 (c.) For keeping the same in a cleanly and proper state ;
 (d.) For removing filth at least once in every twenty-four hours ; and
 (e.) For requiring them to be provided with a sufficient supply of water.

(10 & 11 Vict., c. 34, s. 128 ; 38 & 39 Vict., c. 55, s. 169.)

The prefatory memorandum accompanying the several series of byelaws will, in most cases, be found to indicate the points of chief importance to which it is necessary that the attention of the Sanitary Authority should be directed in connexion with the special subjects to which those series relate.

But the Board may here explain, with reference to the byelaws for the regulation of new streets and buildings, the reasons that have induced them to abstain, for the present, from suggesting clauses with regard to certain matters for which Sanitary Authorities have in many instances proposed to make byelaws.

It will be seen that the model series contains no byelaws specifying provisions for the sewerage of new streets, and the reason for this is that the conditions which such byelaws must satisfy are, to so great an extent, dependent upon the varying circumstances of different localities. The Board do not anticipate that inconvenience will result from the absence of satisfactory byelaws with respect to sewerage, for it may be doubted whether any powers, which under such byelaws may be lawfully assumed by Sanitary Authorities, will, as regards extent and efficacy, compare with the powers which they derive from the express provisions of the Public Health Act.

Frequent applications have been made to the Board for

confirmation of a byelaw prescribing a minimum height for habitable rooms, and it has been sought to justify such a provision as being a byelaw with respect to ventilation, and as being authorized by sec. 157 (3) of the Public Health Act, 1875. The form of byelaw generally proposed has been regarded as open to objection upon several grounds, and the important question as to whether the requirement of a minimum height for habitable rooms can be enforced by means of a byelaw with respect to ventilation, under the enactment above mentioned, suggests so many serious considerations that the Board have decided to submit a case for the opinion of the Law Officers of the Crown upon the numerous points which have been raised in connexion with the suggested byelaw.*

The Board now desire to advert to those provisions of the Public Health Act, 1875, to which, as affecting byelaws generally, the attention of Sanitary Authorities should be directed.

It is provided by sec. 182† that “no byelaw made under this Act by a Local Authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.” From this enactment several important rules may be deduced. A byelaw to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute.

The Board have, from time to time, had occasion to point out to Sanitary Authorities that the assumption in their byelaws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the byelaws; and the result is to impart a general uncertainty to provisions of which the precise scope should be clearly defined. Again, the Board have been called upon to criticise byelaws which, while purporting to lay down rules enforceable by penalties, ignore the necessary details and substitute vague conditions which render compliance with the byelaws dependent upon the approval, by the Sanitary Authority or their officers, of the mode of proceeding in each case. Such byelaws are also open to objection on the ground of uncertainty, and they do not fulfil the purpose for which the power of making byelaws was conferred upon Sanitary Authorities. The Board think that every person who, by neglect of the rules which a

* This opinion has since been obtained and will be found quoted at p. 133; but the matter can now be dealt with under Sec. 23, Public Health Acts Amendment Act, 1890.

† This section is printed *in extenso* in Appendix No. II., see p. 222.

byelaw is intended to prescribe, may be rendered liable to a penalty is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided.

Further, a byelaw must be reasonable. The exercise of the power which the Legislature has confided to Sanitary Authorities must frequently bring them into contact with important interests. Within certain limits, they may regulate the conduct of persons employed in certain specified callings. They may impose restrictions upon the employment of individual rights and privileges. Trade and property may, under certain conditions, be affected by their action. These considerations point to the necessity for prudence and deliberation in the choice of byelaws, so that the duties and restraints which they create may not interfere oppressively with individual freedom of action.

A byelaw under the Public Health Act, 1875, will also be invalid if it be repugnant to the provisions of that Act. Parliament has specified a variety of purposes for which byelaws may be made. For those purposes alone are byelaws authorized; and, as the Court of Queen's Bench decided in the case of *Reg. v. Wood* (5 E. & B. 49; S.C. *nom.* *Reg. v. Rose*, 24 L.J., n.s. M.C. 130; 1 Jur. n.s. 802), Sanitary Authorities cannot legally assume the power of making byelaws for carrying out the general objects of the Act. It follows, therefore, that every byelaw must be strictly limited, with reference to the terms of the specific enactment from which its force is derived. Any attempt, by the strained construction of any such enactment, to extend the range of a byelaw should especially be avoided. But, while it is of primary importance in framing a byelaw to consider closely the language of the statutory provision which declares its purpose, the exact meaning of that language can never be safely determined without careful comparison of other enactments relating to the same or kindred topics.

It must always be remembered that byelaws are designed to supplement, and not vary or supersede the express provisions of the statute law. In the Public Health Act, 1875, and in the incorporated clauses, the subjects of byelaws may sometimes appear identical with those of specific enactments. But in all such cases, a closer examination will show that the subjects are not really identical.

And, however difficult it may be to detect the points of difference in a few exceptional instances, a safe rule may be deduced from the obvious considerations, that a byelaw which

merely repeats a statutory enactment is, to that extent, surplusage, and that a byelaw which aims at altering or amending such an enactment is rendered invalid by the proviso in sec. 182* of the Public Health Act, 1875.

In the next place, it should be observed that byelaws under the Act of 1875 cannot take effect until they have been submitted to and confirmed by the Local Government Board ; and, before byelaws can be confirmed, two preliminary conditions must have been satisfied. Notice of intention to apply for confirmation must be given in one or more of the local newspapers circulated within the district to which the byelaws relate, one month at least before the making of the application ; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat to the inspection of the rate-payers of the district to which the byelaws relate, without fee or reward. Further, the Clerk of the Local Authority is required, on application of any ratepayer, to furnish him with a copy of the proposed byelaws, or any part thereof, on payment of sixpence for every hundred words contained in the copy.

It should be noted that, by the last clause of sec. 184* of the 38 & 39 Vict., c. 55, it is enacted that a byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Another important provision in relation to byelaws is that contained in sec. 183* of the 38 & 39 Vict., c. 55. That section empowers any Local Authority, by any byelaws made by them under the Act, to impose on offenders against the same such reasonable penalties as the Local Authority think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the Local Authority.

All such byelaws imposing any penalty should be so framed as to allow of the recovery of any sum less than the full amount of the penalty ; and nothing in the provisions of any Act incorporated with the 38 & 39 Vict., c. 55, will authorize the imposition or recovery under any byelaws made in pursuance of such provision of any greater penalty than the penalties specified in sec. 183.*

Among other provisions in the 38 & 39 Vict., c. 55, relating directly or indirectly to byelaws, attention may be directed to

* These sections are printed *in extenso* in Appendix No. II., see pp. 222, 223.

the following : All byelaws made by a local Authority under the Act, or, for purposes the same as or similar to those of the Act, under any Local Act, are to be printed and hung up in the office of the authority, and a copy thereof is to be delivered on application for the same (sec. 185*). A copy of any byelaws made under the Act by a Local Authority (not being the council of a borough), signed and certified by the clerk of such Authority to be a true copy, and to have been duly confirmed, will be evidence, until the contrary is proved, in all legal proceedings, of the due making, confirmation, and existence of such byelaws without further or other proof (sec. 186*).

Any person who destroys, pulls down, injures, or defaces any board on which any byelaw is inscribed will, if the same was put up by authority of the Local Authority, be liable for every such offence to a penalty not exceeding five pounds (sec. 306*).

Byelaws made by the council of any borough under the provisions of sec. 90 of the 5 & 6 Will. IV., c. 76, for the prevention and suppression of certain nuisances, do not require to be sent to a Secretary of State, nor will they be subject to the disallowance in that section mentioned, but all provisions of the Public Health Act, 1875, relating to byelaws, will apply to the byelaws so made, as if they were made under that Act (sec. 187*).

Next, it should be observed that sec. 188* of the 38 & 39 Vict., c. 55, enacts that the provisions of the Act relating to byelaws shall not apply to any regulations which a Local Authority is by the Act authorized to make; nevertheless, any Local Authority may cause any regulations made by them under the Act to be published in such manner as they see fit. Hence it follows that the regulations which an Urban Authority may make under sec. 189,* with respect to the duties and conduct of their officers and servants * * * do not require confirmation by the Local Government Board.

It may be also noted that any byelaw made by any Sanitary Authority under the Sanitary Acts which is inconsistent with any of the provisions of the Public Health Act, 1875, is so far as it is inconsistent therewith, to be deemed to be repealed (sec. 315*); but all byelaws duly made under any of the Sanitary Acts by the Public Health Act repealed, and not inconsistent with any of the provisions of that Act, are to be deemed to be byelaws under that Act (sec. 326*).

The Board desire me to add a few remarks in explanation of the method of procedure which they suggest for adoption by

* These sections are printed *in extenso* in Appendix No. II., see pp. 223 to 226.

Sanitary Authorities in submitting byelaws for revision and confirmation. The Board have caused to be printed on foolscap paper, with an ample margin for annotations, the whole of the clauses comprised in the model series, of which copies accompany this circular. Every Sanitary Authority desirous of making new byelaws or of amending existing byelaws will, on application to the Board, be supplied with the necessary draft forms. If, in any case, the model clauses require alteration to suit the special circumstances of a particular district, the proposed variations should be clearly shown in manuscript in the margin of the draft.* The Board will then be readily able to direct their attention to these variations, and to state their views upon any points which may arise. When the final revision of the draft has been completed, and the Sanitary Authority have been informed of the decision of the Board with regard to the allowance or disallowance of the several clauses, a fair copy embodying the contents of the draft as revised, and carefully compared with the original to secure the correction of possible errors, should be prepared for deposit at the office of the Sanitary Authority, and for inspection by the ratepayers.

After the necessary notice of the intention of the Sanitary Authority to apply for confirmation of the byelaws, and after due consideration of any objections made by persons locally interested, the byelaws, with the common seal of the Sanitary Authority properly affixed at a meeting of which the precise date should be notified at the end of each series, should be transmitted to the Board, together with copies of the newspapers containing the advertisement required by sec. 184.†

In order that delay in the confirmation of byelaws may be avoided, the Board desire to impress upon Sanitary Authorities the necessity for careful examination, with the original draft, of the fair copy deposited for inspection, and of the byelaws finally submitted to the Board. It is also important that the advertisement of the intention of the Sanitary Authority to apply for confirmation should be so framed as to comply strictly with the provisions of sec. 184†; and, indeed, in all respects the requirements of that enactment should be fully satisfied.

In conclusion, the Board desire me to add that, while throughout the model byelaws they have, for the sake of convenience, uniformly used the expression "Sanitary Authority," it is expedient that the distinctive title of each Urban Authority should

* It is clear, from this sentence, that it is anticipated that modifications of the Model Clauses may be required to suit the particular circumstances of certain districts.

† This section is printed *in extenso* in Appendix II., p. 223.

appear in the byelaws which they submit for confirmation. The Urban Authority should either substitute the designation "Town Council," "Improvement Commissioners," or "Local Board," as the case may require; or, if they retain in the byelaws the expression "Sanitary Authority," they should insert at the commencement of each series an interpretation clause clearly describing the particular body which this expression is intended to denote.

It also appears to be desirable, in the case of byelaws made by a Town Council, that the word "Borough" should be substituted for the word "District," or that the interpretation clause should be extended to the latter term.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

*To the Clerk of the
Urban Sanitary Authority.*

*Letter addressed by the Local Government Board to Rural
Sanitary Authorities.*

PUBLIC HEALTH ACT, 1875.
(38 & 39 Vict., c. 55.)

MODEL BYELAWS.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,

SIR,

25th July, 1877.

I AM directed by the Local Government Board to forward herewith, for the use of the Guardians, acting as the Rural Sanitary Authority, and in the exercise of certain urban powers, printed copies of a selection of model forms which the Board have caused to be prepared for the guidance of Sanitary Authorities in framing byelaws under the Public Health Act, 1875.

The prefatory memoranda accompanying the several series of byelaws will be found to indicate the points of importance to which it is necessary that the attention of the Sanitary Authority should be directed in connexion with the special subjects to which those series relate.

In the following observations the Board desire to bring under the consideration of the Sanitary Authority the general principles and rules of procedure which are common to all the byelaws authorized by the Public Health Act, 1875.

On reference to sec. 182,* it will be seen that all byelaws made by a Local Authority, under and for the purposes of the Act, are to be under their common seal. Any such Byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of the Act. But no byelaw made under the Act by a Local Authority will be of any effect if repugnant to the laws of England or to the provisions of the Act.

* This section is printed *in extenso* in Appendix No. II., see p. 222.

In the next place it should be observed that byelaws under the Act of 1875 cannot take effect until they have been submitted to and confirmed by the Local Government Board. And before byelaws can be confirmed, two preliminary conditions must have been satisfied. Notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month, at least, before the making of the application; and for one month, at least, before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat to the inspection of ratepayers of the district to which the byelaws relate, without fee or reward. Further, the clerk of the Local Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws, or any part thereof, on payment of sixpence for every hundred words contained in the copy.

It should be also noted that, by the last clause of sec. 184* of the 38 & 39 Vict., c. 55, it is enacted that a byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Another important provision in relation to byelaws is that contained in sec. 183* of the 38 & 39 Vict., c. 55. That section empowers any Local Authority, by any byelaws made by them under the Act, to impose on offenders against the same such reasonable penalties as the Local Authority think fit, not exceeding the sum of five pounds for each offence, and, in the case of a continuing offence, a further penalty not exceeding forty shillings for each day after written notice of the offence from the Local Authority.

All such byelaws imposing any penalty should be so framed as to allow of the recovery of any sum less than the full amount of the penalty, and nothing in the provisions of any Act incorporated with the 38 & 39 Vict., c. 55, will authorize the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties specified in sec. 183.*

Among other provisions in the 38 & 39 Vict., c. 55, relating directly or indirectly to byelaws, attention may be directed to the following: All byelaws made by a Local Authority under the Act are to be printed and hung up in the office of the

* These sections are printed *in extenso* in Appendix No. II., see p. 223.

Authority, and a copy thereof is to be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same. A copy of any byelaws made by a Rural Authority is also to be transmitted to the overseers of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours (sec. 185*). A copy of any byelaws made under the Act by a Local Authority (not being the council of a borough), signed and certified by the clerk of such Authority to be a true copy, and to have been duly confirmed, will be evidence, until the contrary is proved, in all legal proceedings, of the due making, confirmation, and existence of such byelaws without further or other proof (sec. 186*).

Any person who destroys, pulls down, injures, or defaces any board on which any byelaw is inscribed, will, if the same was put up by authority of the Local Authority, be liable for every such offence to a penalty not exceeding five pounds (sec. 306*).

It should be noted that any byelaw made by any Sanitary Authority, under the Sanitary Acts, which is inconsistent with any of the provisions of the Public Health Act, 1875, is, so far as it is inconsistent therewith, to be deemed to be repealed (sec. 315*); but all byelaws duly made under any of the Sanitary Acts by the Public Health Act repealed and not inconsistent with any of the provisions of that Act, are to be deemed to be the byelaws under that Act (sec. 326*).

The Board desire me to add a few remarks in explanation of the method of procedure which they suggest for adoption by Sanitary Authorities in submitting byelaws for revision and confirmation.

The Board have caused to be printed on foolscap paper, with an ample margin for annotations, the whole of the clauses comprised in the model series, of which copies accompany this circular. Every Sanitary Authority desirous of making new byelaws or amending existing byelaws, will, on application to the Board, be supplied with the necessary draft forms. If, in any case, the model clauses require alteration to suit the special circumstances of a particular district, the proposed variations should be clearly shown in manuscript in the margin of the draft.† The Board will then be readily able to direct their attention to these variations, and to state their views upon any points

* These sections are printed *in extenso* in Appendix No. II., pp. 223 to 226.

† It is clear, from this sentence, that it is anticipated that modifications of the Model Clauses may be required to suit the particular circumstances of certain districts.

which may arise. When the final revision of the draft has been completed, and the Sanitary Authority have been informed of the decision of the Board with regard to the allowance or disallowance of the several clauses, a fair copy embodying the contents of the draft as revised, and carefully compared with the original to ensure the correction of possible errors, should be prepared for deposit at the office of the Sanitary Authority, and for inspection by the ratepayers.

After the necessary notice of the intention of the Sanitary Authority to apply for confirmation of the byelaws, and after due consideration of any objections made by persons locally interested, the byelaws, with the common seal of the Sanitary Authority properly affixed at a meeting, of which the precise date should be notified at the end of each series, should be transmitted to the Board, together with copies of the newspapers containing the advertisement required by sec. 184.*

In order that delay in the confirmation of byelaws may be avoided, the Board desire to impress upon Sanitary Authorities the necessity for careful examination, with the original draft, of the fair copy deposited for inspection, and of the byelaws finally submitted to the Board. It is also important that the advertisement of the intention of the Sanitary Authority to apply for confirmation should be so framed as to comply strictly with the provisions of sec. 184*; and, indeed, in all respects the requirements of that enactment should be fully satisfied.

In conclusion, the Board desire me to add that, while throughout the model byelaws they have, for the sake of convenience, uniformly used the expression "Sanitary Authority," it is expedient that the distinctive title of each Rural Authority should appear in the byelaws which they submit for confirmation. It will probably be found best to insert at the commencement of each series a clause containing appropriate interpretations of the expressions "Sanitary Authority" and "District." As regards the latter term the Authority, in the case of byelaws made in the exercise of urban powers limited in their operation to certain contributory places, should be careful to show in the interpretation clause the limited meaning to be attached to the word "District."

I am, Sir,

Your obedient servant,

JOHN LAMBERT,

Secretary.

*To the Clerk to the
Rural Sanitary Authority.*

* This section is printed *in extenso* in Appendix No. II., see p. 223.

BYELAWS

WITH RESPECT TO

1. Cleansing of Footways and Pavements.
 2. Removal of House Refuse.
 3. Cleansing of Earthclosets, Privies, Ashpits,
and Cesspools.
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MEMORANDUM.

By section 44* of the Public Health Act, 1875 (38 & 39 Vict., c. 55), it is enacted that "where the Local Authority do not themselves undertake or contract for—

- " The cleansing of footways and pavements adjoining any premises ;
 - " The removal of house refuse from any premises ;
 - " The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises ;
- they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises."

On reference to section 42* it will be seen that every Local Authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for the removal of house refuse from premises, and the cleansing of earthclosets, privies, ashpits, and cesspools, either for the whole or any part of their district. Moreover, every Urban Authority and any Rural Authority invested by the Local Government Board with the requisite powers may, and when required by order of the Board shall, themselves undertake or contract for the proper cleansing of streets.

In such cases the necessity for byelaws under the first part of section 44 ceases.

With regard to the scope of byelaws under that enactment, it should be observed that the byelaws must be limited to imposing upon the occupier the duty of cleansing or removal, at such intervals as the Sanitary Authority may think fit. The mode of cleansing or removal, and the precautions to be observed in connexion with the process, are not matters within the range of such byelaws.

JOHN LAMBERT,

Secretary.

Local Government Board,

25th July, 1877.

* These sections are printed *in extenso* in Appendix No. II., see pp. 212, 213.

BYELAWS

WITH RESPECT TO

THE CLEANSING OF FOOTWAYS AND PAVEMENTS,

THE REMOVAL OF HOUSE REFUSE,

AND

THE CLEANSING OF EARTHCLOSETS, PRIVIES, ASHPITS, AND
CESSPOOLS.

The cleansing of footways and pavements adjoining any premises.

1. The occupier of any premises fronting, adjoining, or abutting on any street shall, once at least in *every day*, Sundays excepted, cleanse the footways and pavements adjoining such premises. Cleansing of footways, &c.

NOTE.—In some of the more scattered and less populous districts, it is at times not deemed necessary that the cleansing of footways, &c., should be carried out as often as is required under this clause. Where, however, other than daily cleansing is proposed, the actual days which determine the intervals fixed on should, with a view of securing regularity in the process, be distinctly specified. Thus “every Monday, Wednesday, and Friday” is much to be preferred to “three times a week.” The clause, as will be observed, is restricted in its action to premises “fronting,” &c., on streets. See also Note to clause No. 10 as to the Metropolitan district.

The removal of house refuse from any premises.

NOTE.—Consideration should at this point be given to the question whether the Sanitary Authority should make byelaws under sec. 44,* Public Health Act, 1875, imposing upon occupiers within their district the duty of removing house refuse, and of cleansing earthclosets, privies, ashpits, and cesspools, or whether they should not themselves undertake or contract for such removal under sec. 42* of that Act.

It should be a matter of primary concern that refuse and excremental matters should be removed from the neighbourhood of houses with the utmost practicable frequency, and in this connection it should be remembered that in

* These sections are printed *in extenso* in Appendix No. II., pp. 212. 213.

localities where but few of the houses and cottages have sufficient garden ground for the proper disposal of such matters, considerable difficulties arise when removal with the needed frequency is imposed upon the occupiers. Indeed, unless a district is so widely scattered as to make removal under sec. 42* impracticable, great sanitary advantages will be found to attach to its adoption in all districts. These advantages arise especially during such periods as harvest time, when there is the greatest tendency to rapid decomposition, and the least chance of getting farmers and others to do the work of removal. As regards urban districts, and the more populous localities in rural districts, it is a matter of experience that where the duty of cleansing earthclosets, privies, ashpits, and cesspools is cast upon occupiers, such accumulations of filth very generally occur as cause both nuisance and constant risk of injury to health. Besides which, the adoption of byelaws as to the construction of privies having receptacles of the limited capacity which is desirable in order to secure the requisite frequency in scavenging, and such as are contemplated in the clauses as to New Streets and Buildings, Nos. 71, 72, 77, and 78 (see pages 156, 158, 160, 162), is to a serious degree prevented.

Where, however, a district has been provided with efficient means of sewerage and an ample water supply, and where, as a result, waterclosets communicating with the sewers are coming into general use, it may be a question whether a Sanitary Authority, whilst themselves removing house refuse from premises, may not, with a view of favouring the proper drainage of houses and the gradual abolition of privies, cast upon the occupier the burden and cost of the cleansing of privies and cesspools.

Removal
of house
refuse, &c.

2. The occupier of any premises shall, once at least in *every* week, remove the house refuse from such premises.

NOTE.—This byelaw, though very similar to clause No. 7, is rendered necessary by the wording of sec. 44* of the Public Health Act, 1875. The periods of removal to be prescribed in this byelaw and No. 7 should agree. It also supplements that clause by providing for removal from premises. Wherever weekly scavenging is practicable it should be carried out, and it is only in localities of a strictly rural character, and where there is ample space about houses, that less frequent intervals should be entertained.

Indeed, it would be impossible, on the one hand, to over-estimate the value of frequent and efficient removal of all refuse matters from the neighbourhood of inhabited buildings, or, on the other, to exaggerate the injury to public health from the failure to carry out such removal. Filth accumulations, and their resulting effluvia, go hand-in-hand with general impairment of health and vigour, excess of preventable disease, and needless mortality. Sir John Simon, K.C.B., F.R.S., late Medical Officer of the Privy Council and Local Government Board, in dealing with this subject in his Annual Report, 1874, urges in forcible terms the great need for the thorough removal of all conditions of uncleanness, as a matter calling “for the earliest attention in the sanitary government of England.” He further points out the immense injury to public health arising “through the special facility which certain forms of local uncleanness provide for the spreading of certain specific infections; and,” he adds, “in total power, uncleanness must, I think, without doubt, be reckoned as the deadliest of our present removable causes of disease.”

See Note to clause No. 4, byelaws as to Nuisances, page 30, as to removal of refuse in receptacles by scavengers.

* These sections are printed *in extenso* in Appendix No. II., see pp. 212, 213.

*The cleansing of earthclosets, privies, ashpits, and cesspools
belonging to any premises.*

NOTE.—Earthclosets and privies being forms of closet accommodation recognised as permissible under section 35* of the Public Health Act, 1875, provision should, even where waterclosets are in general use, be made for their proper management. In *Tinkler v. Wandsworth District Board of Works* (27 L.J., Ch. 342; 33 L.T. (O.S.), 146; 22 J.P., 223) it was held that a District Board could not lay down a general rule requiring waterclosets to be provided instead of privies. It should be borne in mind that the earthcloset of the statute and the byelaws is a closet in which other deodorizing substances (*e.g.*, charcoal) may be used as well as dry earth; and that under section 37* of the Act the Sanitary Authority may themselves undertake or contract for the supply of dry earth or other deodorizing substance to houses within their district. See Appendix No. I., page 208.

3. The occupier of any premises shall, once at least in *every three months*, cleanse every earthcloset belonging to such premises and furnished with a fixed receptacle for fæcal matter and with suitable means or apparatus for the frequent and effectual application of dry earth to such matter. Cleansing of earth-closets with fixed receptacles.

NOTE.—The “fixed receptacle” is the enclosed space which is formed beneath the seat, and which is not fitted with any pail or other movable receptacle. If, in a properly constructed closet of this sort (see Byelaws as to New Streets and Buildings, clause No. 71, p. 156), dry earth in suitable quantities is applied to the excreta with regularity and frequency, no sanitary disadvantage will be found to result if the contents are allowed to remain undisturbed for a period of, say, three months. Indeed, the process of disintegration and of combination between the earth and the organic matter is, after due lapse of time, so complete that the stools and even the paper entirely disappear among the other constituents of the compost. The absence of fætor from the mixture, even with prolonged keeping, shows that decomposition in the ordinary sense does not take place.† The process in question is largely due to micro-organisms, and hence the drying of the earth should not be so great as to sterilise it. And hence, where other closets than waterclosets are in use it is desirable to favour the construction of earthclosets rather than privies, by sanctioning a removal of contents at comparatively long intervals. This is especially desirable in districts where such soils as clay, loamy surface earth, and brick earth of the drift, are easily procured, because such soils when dried are especially adapted to the purposes of dry-earth closets. On the other hand, chalk has very little, and sand and gravel still less, value for such a purpose. Earth should not be so dried as to sterilise it.

As to earthclosets inside buildings, see Note to clause No. 71 of Byelaws as to New Streets and Buildings, page 156.

4. The occupier of any premises shall, once at least in *every week*, cleanse every earthcloset belonging to such premises and furnished with a movable receptacle for fæcal matter and with suitable means or apparatus for the frequent and effectual application of dry earth to such matter. Cleansing of earth-closets with movable receptacles.

* These sections are printed *in extenso* in Appendix No. II., see pp. 212, 213.

† The Twelfth Report of the Medical Officer of the Privy Council, 1869.

NOTE.—The weekly emptying of pails and other movable receptacles is found necessary, because such receptacles as are of a capacity to hold more than about a week's contents are found, by reason of their size and weight, to be difficult of management during the process of scavenging. Hence, also, the limit as to capacity in clauses Nos. 71A, 72A, 73A, of Byelaws as to New Streets and Buildings. See pp. 157, 158.

Cleansing
of privies
with fixed
recep-
tacles.

5. The occupier of any premises shall, once at least in *every month*, cleanse every privy belonging to such premises and furnished with a fixed receptacle for fæcal matter.

NOTE.—The necessity for frequent scavenging is obviously greater in the case of privies than in the case of receptacles for house refuse, the more so as the former may at any time contain excreta capable of communicating through the surrounding air the specific poison of some infectious disease. For the purposes of convenience it is, as a rule, desirable that the intervals regulating the removal both of privy contents and of house refuse should be the same. It is also convenient that it should be done weekly (see clause No. 2, page 20). Where the cleansing of privies with movable receptacles is undertaken or contracted for by a Sanitary Authority, the duty of cleansing privies with fixed receptacles cannot be imposed on occupiers by means of byelaws.

Cleansing
of privies
with
movable
recep-
tacles.

6. The occupier of any premises shall, once at least in *every week*, cleanse every privy belonging to such premises and furnished with a movable receptacle for fæcal matter.

NOTE.—See Note to clause No. 4. As a matter of experience it is found that one week is the extreme limit of time during which fæcal matter, except when mingled with dry earth or charcoal, can be retained in the neighbourhood of dwellings, without risk of nuisance and injury to health.

Cleansing
of ashpits.

7. The occupier of any premises shall, once at least in *every week*, cleanse every ashpit belonging to such premises and used only as a receptacle for ashes, dust, and dry refuse.

NOTE.—See Note to clause No. 2. The ashpit should also be cleansed weekly, because clauses No. 2 and No. 7 are intended to work together.

Cleansing
of ashpit-
privies, &c.

8. The occupier of any premises shall, once at least in *every week*, cleanse every ashpit belonging to such premises and used in connexion with a privy as a receptacle for fæcal matter, together with ashes, dust, and dry refuse.

NOTE.—This byelaw applies to such ashpit-privies having dry contents as are contemplated under clause No. 78 of Byelaws as to New Streets and Buildings, page 162, and in which ashes, solid house refuse, and fæcal matter are received into the same receptacle.

Cleansing
of cess-
pools.

9. The occupier of any premises shall, once at least in *every three months*, cleanse every cesspool belonging to such premises.

NOTE.—Drainage into cesspools being permissible under sections 23 and 25, Public Health Act, 1875 (see Appendix No. II., pp. 210 and 211), it becomes necessary to make provision for the regular cleansing of cesspools in all districts where any house can be erected at a distance exceeding the statutory 100 feet from a sewer belonging to the Local Authority.

Penalties.

10. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of _____ :

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

NOTE.—Sanitary Authorities usually insert at the end of the first paragraph the full penalty of Five Pounds.

Where a local authority undertake the duty of the removal of house refuse or the cleansing of closets, &c., in any part of their district, under section 42 of the Public Health Act, 1875, and only desire to impose these duties on occupiers in the remaining portions of the district, the localities to which the byelaws are to be made applicable must be distinctly defined.

Where sections 87–98 of the Towns Improvement Clauses Act, 1847, are in force in any district by virtue of the incorporation of the Act with any local Act, none of the byelaws to which this series relates can be made, and where any district is in the Metropolitan Police District, Nos. 1, 7, and 8 must be omitted in consequence of the provisions of section 60 of the Act 2 & 3 Vict., c. 47.

Repeal of Byelaws.

11. From and after the date of the confirmation of these byelaws, the byelaws relating to _____ which were confirmed on the _____ day of _____ in the year One thousand eight hundred and _____ by [one of Her Majesty's Principal Secretaries of State] [the Local Government Board] shall be repealed.

NOTE.—If there are in force in a district for which it is proposed to make byelaws any byelaws upon the subject to which this series refers, and the Sanitary Authority are desirous of repealing such byelaws, the blank spaces in this clause should be filled in, the last two lines being properly altered, and the clause added to the series.

BYELAWS

WITH RESPECT TO

The Prevention of Nuisances arising from Snow,
Filth, Dust, Ashes, and Rubbish.

The Prevention of the Keeping of Animals on
any Premises so as to be Injurious to Health.

MEMORANDUM.

By section 44* of the Public Health Act, 1875 (38 & 39 Vict., c. 55), it is provided that—

“An Urban Authority may . . . make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.”

In connexion with the last clause of the byelaw numbered 12 in the model series, the attention of the Sanitary Authority should be directed to the provisions of section 50* of the 38 & 39 Vict., c. 55.

That section is in the following terms :

“Notice may be given by any Urban Authority (by public announcement in the district or otherwise), for the periodical removal of manure or other refuse matter from mews, stables, or other premises ; and, where any such notice has been given, any person to whom the manure or other refuse matter belongs, who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the Urban Authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.”

In cases where the Sanitary Authority give the notice to which the above-quoted enactment refers, it will not be necessary to incorporate in any byelaws which they may make for the prevention of nuisances, under section 44,* a provision such as that contained in the last clause of the byelaw numbered 12.

JOHN LAMBERT,

Secretary.

*Local Government Board,
25th July, 1877.*

* These sections are printed *in extenso* in Appendix No. II., see pp. 213, 214.

BYELAWS

WITH RESPECT TO

N U I S A N C E S.

For the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish; and for the prevention of the keeping of animals on any premises so as to be injurious to health.

1. The occupier of any premises fronting, adjoining, or abutting on any street shall, as soon as conveniently may be after the cessation of any fall of snow, remove or cause to be removed from the footways and pavements adjoining such premises all snow fallen or accumulated on such footways and pavements in such a manner and with such precautions as will prevent any undue accumulation in any channel or carriageway, or upon any paved crossing.

Removal
of snow
from foot-
ways, &c.

NOTE.—The requirements of this clause are needed not only in urban districts, but in all the more populous places comprised within rural districts. The operation of the clause is limited to premises fronting, &c., on any street, and it has for a principal object to remove the needless risk of danger to health which foot passengers would often incur by being compelled to walk through snow.

There is no reason why the duty of removing snow, which has fallen in the night, before a definite hour—say 10 a.m.—shall not equally be imposed on occupiers. But a better plan is that the local authority should, where practicable, themselves undertake the removal of snow from footways, pavements, and road channels. This arrangement gets rid of the difficulty which arises as to the non-removal of snow from footways, &c., facing vacant houses, and other premises where the duty cannot be imposed on an occupier. Under such circumstances, both this clause and clause No. 2 would be unnecessary.

2. Every person who shall remove any snow from any premises shall deposit the same in such a manner and with such precautions as to prevent any undue accumulation thereof in any channel or carriageway or upon any paved crossing.

Removal
of snow
from
premises.

If in the process of such removal any snow be deposited upon any footway or pavement, he shall forthwith remove such snow from such footway or pavement.

NOTE.—The clause is intended to control the action of any persons who may be concerned in the disposal of snow which has been removed from any premises, and to prevent the nuisance, as by flooding and otherwise during a thaw, which would result from obstructions in channels, &c.

As to the
mixing of
salt with
snow.

3. Every person who, for the purpose of facilitating the removal of any snow from any footway or pavement, shall throw salt upon such snow, shall forthwith effectually remove from such footway or pavement the whole of the deposit resulting from the mixture of the salt with the snow.

NOTE.—This clause is rendered necessary by the well-known fact that when snow and salt are mixed in certain proportions a freezing mixture of a temperature far below that of snow itself is produced. It is also very difficult thoroughly to dry leather which has been saturated in such a mixture, and hence the public should be protected against the risks likely to result from having to walk through it. The prohibition of the use of salt for this purpose may well be entertained in so far as public footways and roads are concerned.

As to re-
moval of
filth from
premises.

4. The occupier of any premises who shall remove or cause to be removed any filth, dust, ashes, or rubbish produced upon his premises shall not, in the process of removal, deposit such filth, dust, ashes, or rubbish, or cause or allow such filth, dust, ashes, or rubbish to be deposited upon any footway, pavement, or carriageway.

For the purpose of such removal, he shall in every case use or caused to be used a suitable vessel or receptacle, cart, or carriage properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of such removal any person shall slop or spill or cause or allow to fall upon any footway, pavement, or carriageway any such filth, dust, ashes, or rubbish, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

NOTE.—Anyone acquainted with the negligence commonly attendant on ill-regulated scavenging will appreciate the necessity for this clause. The offensive effluvia, as well as the frequent saturation of the soil about the roadways, which result from the altogether inexcusable practice of temporarily depositing filth on footways, &c., instead of at once conveying it to a cart or other means of carriage, call for vigorous preventive measures.

Where, however, a system of depositing suitable receptacles, containing house refuse and ashes, on the edge of the footway, for removal by the scavengers on certain specified days, is in force, the following proviso (with suitable hours inserted) may be added:—

“ Provided always that the foregoing requirements shall not be deemed to prohibit the deposit upon any footway, pavement,

or carriageway at any time between the hours of and
 o'clock in the forenoon of any day of a proper recep-
 tacle containing dust, ashes, or rubbish, to be removed by a
 scavenger employed by the Sanitary Authority."

The first paragraph of this model byelaw is as necessary in districts where section 42* of the Public Health Act, 1875, is in operation as elsewhere, because that section recognises the right of the occupier to deal with the refuse on his premises as he thinks fit, and when he exercises that right he should be subjected to proper control.

Where byelaws are made for any place within the metropolitan police district, the second and third paragraphs of this byelaw must be omitted, in consequence of section 60 of the 2 & 3 Vict., c. 47.

In old series a byelaw is at times found prohibiting the deposit, &c., in streets, squares, courts, highways, &c., of animal and vegetable refuse, shells, china, ashes, and similar refuse, except for certain specified purposes, as on the occasion of frost, illness, building operations, &c. In view of section 28* of 10 & 11 Vict., c. 89, and of section 80* of 10 & 11 Vict., c. 34, and sections 72 and 73* of the 5 & 6 Wm. IV., c. 50, such a clause is unnecessary.

Hitherto the construction of privies and receptacles for filth and refuse has very generally been such as to ensure rapid decomposition and consequent offensiveness of contents, and, on this account, it has been a frequent practice to require such structures to be emptied at night.

This is, however, precisely the time not only when the scavengers themselves cannot see to do their work properly, but when they are least likely to be subjected to any proper supervision. Hence needlessly offensive operations are likely to be carried out. It is, also, the only time when persons desirous of absenting themselves during the process of scavenging are practically unable to do so. So also, the period of sleep is that during which the human system is least able to resist the influence likely to result from the inhalation of noxious effluvia.

And further, the more the conditions resulting from faulty structures are brought to light, the more likely are they to be remedied in the sense of the model clauses relating to this subject.†

Under these circumstances the scavenging of privies and other filth receptacles should be restricted to hours when a reasonable amount of daylight may be expected, and when the process can be subjected to efficient supervision. With a view to this result, the following additional byelaw has, in many instances, been adopted:—

4A. The occupier of any premises within the distance of *twenty* Hours for
yards from any street or from any building or premises used the sca-
 wholly or partly for human habitation, or as a school, or as a venging of
 place of public worship or of public resort or public assembly, privies,
 or from any building in or on which any person may be &c.
 employed in any manufacture, trade, or business, shall not, regulated.
 without reasonable excuse, empty or cleanse, or cause to be

* These sections are printed *in extenso* in Appendix No. II., pp. 212, 228, 231, and 232.

† See the clause in this series on the Prevention of Keeping of Animals so as to be Injurious to Health, clause No. 12, page 37. Also series with respect to New Streets and Buildings, clauses Nos. 70 to 89, p. 155 to 167.

emptied or cleansed, any privy, cesspool, or other receptacle for filth belonging to his premises or provided for use in or in connexion with such premises, or remove or cause to be removed from such privy, cesspool, or receptacle, or from such premises, any part of the contents of such privy, cesspool, or receptacle, at any time except between the hours of *six o'clock and half-past eight o'clock in the forenoon* during the months of March, April, May, June, July, August, September, and October, and except between the hours of *seven o'clock and half-past nine o'clock in the forenoon* during the months of November, December, January, and February.

As to removal of filth from premises, &c.

5. Every person who, for the purpose of depositing any filth, dust, ashes, or rubbish upon any lands or premises, or for the purpose of depositing any dust, ashes, or rubbish in any receptacle provided by the Sanitary Authority for the temporary deposit and collection of dust, ashes, and rubbish, shall remove such filth, dust, ashes, or rubbish from any premises, or from any cart, carriage, or other means of conveyance across or along any footway, pavement, or carriageway, shall use a suitable vessel or receptacle properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof; and shall adopt such other precautions as may be necessary to prevent any such filth, dust, ashes, or rubbish from being slopped or spilled, or from falling, in the process of removal, upon such footway, pavement, or carriageway.

If in the process of such removal, any such filth, dust, ashes, or rubbish be slopped or spilled or fall upon such footway, pavement, or carriageway, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

NOTE.—It is advisable to adopt this clause regulating the action of persons engaged in the removal of filth, not only when the duty of removal is imposed upon the occupiers under section 44* of the Public Health Act, 1875, but also when the removal is contracted for by the Sanitary Authority under section 42.* Without some such clause, nuisance is almost certain to be caused in the public thoroughfares during the process of removal.

Where byelaws are made for any place within the metropolitan police district this paragraph must be omitted, in consequence of section 60 of the 2 & 3 Vict., c. 47.

* These sections are printed *in extenso* in Appendix No. II., pp. 212, 213.

6. Every person who shall convey any filth, dust, ashes, or rubbish through or along any street shall use a cart, carriage, or other means of conveyance properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of such conveyance any such filth, dust, ashes, or rubbish be slopped or spilled, or fall upon any carriage-way or elsewhere in such street, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

NOTE.—The note appended to clause No. 5 may be regarded as equally applicable here. Farmers, gardeners, and others, who elect to use their refuse under section 42* of the Public Health Act, 1875, are bound by the terms of that section to keep such refuse so that it shall not be a nuisance; and it is further desirable that they should be brought within the control of a clause such as this one, in order that slovenliness in removal may be checked.

A byelaw which is at times proposed to the effect that no such cart, carriage, &c., shall be suffered to stand or remain in any street, &c., longer than shall be necessary for the loading of the same, is rendered unnecessary by section 28 of 10 & 11 Vict., c. 89, and section 72 of the 5 and 6 Wm. IV., c. 50, which prohibit obstructions in the streets and highways.

In any district where there is a local Act incorporating section 98 of the 10 & 11 Vict., c. 34, the model byelaw No. 6 must be omitted. It must also be omitted where byelaws are made for any place within the metropolitan police district, in consequence of section 60 of the 2 & 3 Vict., c. 47.

7. The owner or consignee of any cargo, load, or collection of filth which may have been conveyed, by water or by land, to any place within the district to await removal from such place by such owner or consignee, and may have been deposited to await such removal upon any premises whereon such filth may lawfully be deposited, but in such a situation and in such a manner that such filth may be exposed without adequate means of preventing the emission of stench therefrom at a distance of not more than *yards* from any street, or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship, or of public resort, or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, shall not, without reasonable excuse, cause or suffer such filth to remain after the deposit and before the removal thereof for a longer period than *hours*.

As to
removal
of filth
through
streets.

As to
deposit
of filth
cargoes by
owners,
&c.

* This section is printed *in extenso* in Appendix No. II., p. 212.

NOTE.—This clause, regulating the temporary deposit of filth by the owner or consignee of the material, though specially useful in districts where railway stations and sidings or canals already exist, is also found necessary in districts where loads are as yet only conveyed by road. Its adoption in the latter districts also renders unnecessary a revision of the byelaws on the provision, at a subsequent date, of railway or canal accommodation. A distance of 100 yards, and a period of twenty-four hours are very usually inserted. Less than twenty-four hours would not, in all cases, ensure a sufficient period of daylight for the work of removal, especially in the case of loads brought late in the afternoon or in the evening. The reference to schools, &c., is of some importance, not only because children of tender years are especially susceptible to the injurious influence of noxious effluvia, but because in schools, and more especially in places of public assembly, persons are liable to be congregated together in such numbers that it becomes essential to secure for them the greatest procurable purity of air.

As to
deposit of
filth car-
goes by
other
persons.

8. Every person who may have undertaken to deliver to the owner or consignee thereof any cargo, load, or collection of filth which may have been conveyed, by water or by land, to any place within the district for the purpose of being delivered by such person to such owner or consignee, and may have been deposited to await such delivery upon any premises whereon such filth may lawfully be deposited, but in such a situation and in such a manner that such filth may be exposed without adequate means of preventing the emission of stench therefrom at a distance of not more than *yards* from any street or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship, or of public resort, or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, shall not, without reasonable excuse, cause or suffer such filth to remain after the deposit and before the removal thereof for a period of more than *hours*.

NOTE.—This clause, which is very similar to the preceding one, regulates the action of persons other than the owner or consignee, who may deal with cargoes or loads of refuse. The same distance and period are usually inserted as in clause No. 7.

As to de-
posit near
dwellings
of filth for
agricul-
tural pur-
poses.

9. Every person who, for any purpose of agriculture, shall deposit or cause to be deposited upon any lands or premises within the distance of *yards* from any street, or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship, or of public resort, or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, any filth which may have been removed from

any cesspool, or any filth which may have been removed from any privy, or from any receptacle used in connexion with any privy, and which may not have been effectually deodorized, shall, with all reasonable dispatch, cause such filth to be ploughed or dug into the ground, or to be covered with a sufficient layer of earth, ashes, or other suitable substance, or shall adopt such other precautions as may be reasonably necessary to prevent the emission of noxious or offensive effluvia from such filth.

NOTE.—The distance of 100 yards from the class of buildings here referred to is generally regarded as that within which the measures regulating deposits of filth intended for agricultural purposes should have effect.

Since these byelaws were issued it has been represented that they provide no means for adequately controlling the unloading and deposit of offensive manures and similar materials which are brought into a sanitary district by water or by rail, with a view to their being subsequently carted away for agricultural or other purposes.

Three additional clauses, Nos. 9A, 9B, and 9C, have been approved by the Local Government Board to meet this difficulty. The first is altogether prohibitory as to the unloading or deposit of filth emitting a stench within a specified distance from any street and from certain specified buildings; the second aims at regulating the unloading and temporary deposit of such stuff at places beyond the specified distance; and the third deals with the conveyance of such material through or along any street.

9A. No person shall unload or deposit, within *one hundred yards* from any street or from any building used for human habitation or as a school or place of public resort, or in which any person is employed in any manufacture, trade, or business, any filth emitting a stench and brought to the place of unloading or deposit for the purpose of being removed therefrom.

9B. Every person who shall unload or deposit any filth emitting a stench, and brought to the place of unloading or deposit for the purpose of being removed therefrom, in any place within such a distance from any building used for human habitation, or as a school or place of public resort, or in which any person is employed in any manufacture, trade, or business that the stench is likely to cause offence to the persons in such building (although such place be not within the distance of *one hundred yards* from such building), shall cause such filth to be forthwith covered with a sufficient layer of earth or other suitable substance, or shall adopt such other precautions as may be sufficient to prevent the emission of any noxious or offensive effluvia from the filth.

9C. Every person who shall convey any filth emitting a stench through or along any street shall, previous to and during the

whole time of such conveyance, cause such filth to be covered with lime or other suitable substance, or shall adopt such other precautions as respectively may be reasonably necessary to prevent the emission of noxious or offensive effluvia from such filth.

Position of
piggeries,
&c., with
regard to
houses and
water
sources.

10. The occupier of any premises shall not keep any swine or deposit any swine's dung within the distance of *feet* from any dwelling-house, or in such a situation or in such a manner as to pollute any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

NOTE.—With a view of effectually dealing with the grave nuisance arising from pig-keeping in the immediate vicinity of dwellings, a distance of 100 feet is often inserted in this clause; and in the case of the *Wanstead Local Board* (app.) v. *Wooster* (resp.), 38 J.P., 21, a byelaw prescribing that distance was held to be reasonable. If, however, under exceptional local circumstances, this distance should be regarded as excessive, a distance of some 60 feet is the least that should be entertained. If any portion of a district containing piggeries is so closely built on that this latter distance cannot be obtained, it is obviously a locality in which pig-keeping should not be sanctioned. It is not only that pig-keeping in the neighbourhood of dwellings becomes a source of injury to health by means of the effluvia conveyed by air, but the percolation of the surrounding soil with animal refuse and excreta becomes a source of special danger to water supplies. This is notably the case when the water-bearing strata are either porous gravel and sands, or fissured rocks.

With respect to rural sanitary districts, the case of *Heap v. Burnley Rural Sanitary Authority* (L.R., 12 Q.B.D., 617; 53 L.J.M.C., 76; 32 W.R., 661; 48 J.P., 359), which came before the Queen's Bench Division of the High Court of Justice on appeal on March 23rd, 1884, makes it difficult to insert a distance clause as to piggeries, &c., in such districts.

A byelaw similar to the model one, with a distance of 50 feet inserted, was in force, and a person was convicted under it by the justices. On a case stated for the opinion of the High Court it was held that the byelaw was unreasonable and bad. Lord Coleridge, C.J., said that it seemed unreasonable to say that in country districts, in the present state of things, nobody should keep a pig within 50 feet of his dwelling-house. He did not see that it would in itself necessarily be a nuisance or injurious to health. The conviction was accordingly quashed.

It is by no means clear how far the Court had under consideration the fact that urban powers had been granted to the Burnley Rural Sanitary Authority under section 44* of the Public Health Act, 1875; but, as the matter now stands, it will probably be best to omit clause No. 10 as regards rural sanitary districts, and to include "swine" and "swine's dung" in clause No. 11, trusting for the rest to the sections of the Public Health Act, 1875, which deal with nuisances.

Position
of premises
containing
cattle with
regard to
water
sources.

11. The occupier of any premises shall not keep any cattle or deposit the dung of any cattle in such a situation or in such a manner as to pollute any water supplied for use, or used or

* This section is printed *in extenso* in Appendix No. II., p. 213.

likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

NOTE.—The objects to be obtained by this clause are too obvious to call for comment. The suggestion contained in the last paragraph of the Note to clause No. 10 should be carried out by inserting the words “or swine ” after “cattle ” in both the first and second lines.

12. Every occupier of a building or premises wherein or whereon any horse or other beast of draught or burden or any cattle or swine may be kept shall provide, in connexion with such building or premises, a suitable receptacle for dung, manure, soil, filth, or other offensive or noxious matter which may, from time to time, be produced in the keeping of any such animal in such building or upon such premises.

Construction of premises for cattle, swine, &c. Scavenging, &c.

He shall cause such receptacle to be constructed so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle.

He shall also cause such receptacle to be constructed in such a manner and of such materials, and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the wall of any building.

He shall cause such receptacle to be furnished with a suitable cover, and, when not required to be open, to be kept properly covered.

He shall likewise provide in connexion with such building or premises a sufficient drain, constructed in such a manner and of such materials, and maintained at all times in such a condition as effectually to convey all urine or liquid filth or refuse therefrom into a sewer, cesspool, or other proper receptacle.

He shall, once at least in *every week*, remove or cause to be removed from the receptacle provided in accordance with the requirements of this byelaw all dung, manure, soil, filth, or other offensive or noxious matter produced in or upon such building or premises and deposited in such receptacle.

NOTE.—The conditions specified in paragraphs 2, 3, and 4 of this clause are intended to prevent the offensiveness which necessarily follows when the contents of receptacles for manure become wet and sloppy, owing to their being exposed either to soakage of sub-soil water or to rainfall, and otherwise to prevent nuisance from soakage of their contents. For the covering required by paragraph 4, a lean-to roof may often suffice, or, in the case of an isolated receptacle, a roof supported on posts. In either case, such fixed roof should be raised some few feet above the receptacle, in order to afford facilities for removing the contents. Paragraph 5 regulates the drainage of the premises and buildings in which animals are kept; and paragraph 6 deals with the periodical removal of the contents of the receptacles for manure, &c.

In certain instances, however, as in the case of farm buildings or cottagers' allotments situated in sparsely populated localities, this byelaw might be made applicable only when either dwelling-houses, other than those comprised within the same curtilage as the premises specified, or any carriage road forming part of a highway, are situated within a certain distance—say 100 feet—of the premises in question. This could be done by the addition of a proviso as follows—
 “Provided always that the foregoing byelaw shall not apply to any building or premises beyond the distance of feet from any dwelling-house not being in the same curtilage, or beyond feet from any carriage road forming part of a highway.”

13. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of and in the case of a continuing offence to a further penalty of for each day after written notice of the offence from the Council :

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

Note.—The sums of Five Pounds and Forty Shillings are usually inserted.

Repeal of Byelaws.

14. From and after the date of the confirmation of these Byelaws, the Byelaws relating to which were made on the by the and were confirmed on the day of in the year one thousand eight hundred and , by [one of Her Majesty's Principal Secretaries of State] [the Local Government Board] shall be repealed.

NOTE.—If there are in force any byelaws on the subject to which this series refers, and the Local Authority are desirous of repealing such byelaws, the blank spaces in this clause should be filled in, and the clause added to the series.

BYELAWS

WITH RESPECT TO

COMMON LODGING-HOUSES.

M E M O R A N D U M.

By section 80* of the Public Health Act, 1875 (38 & 39 Vict., c. 55), it is enacted that "Every Local Authority shall, from time to time, make byelaws :—

"(1.) For fixing and, from time to time, varying the number of lodgers, who may be received into a common lodging-house, and for the separation of the sexes therein ; and

"(2.) For promoting cleanliness and ventilation in such houses ; and

"(3.) For the giving of notices and the taking precautions in the case of any infectious disease ; and

"(4.) Generally, for the well-ordering of such houses."

The terms of the above-quoted enactment indicate, with sufficient clearness, the scope of the byelaws which the Sanitary Authority are empowered to make for the regulation of common lodging-houses.

Independently of the byelaws authorized by section 80,* the Public Health Act, 1875, confers upon the Sanitary Authority powers which, if duly exercised, will enable them to secure compliance with various requirements of essential importance in relation to the public health.

In illustration of the nature and extent of the control which, either by means of byelaws or by the operation of the express provisions of the Public Health Act, 1875, the Sanitary Authority may exercise over common lodging-houses, and in anticipation of questions which may arise in connexion with this branch of sanitary administration, it may here be convenient to append a few observations.

By section 89* it is provided that, for the purposes of the Act, "the expression 'common lodging-house' includes in any case in which only part of a house is used as a common lodging-house the part so used of such house." The Act, however, contains no exact definition of a "common lodging-house ;" and in cases where doubts may be suggested as to whether any particular house or part of a house is or is not comprehended in that designation, it will probably be found useful to refer to the

* These sections are printed *in extenso* in Appendix No. II., see pp. 215, 216.

opinion of the Law Officers of the Crown, which was communicated to the several Local Boards by the circular of the General Board of Health, dated the 17th of October, 1853.

From that circular it appears that the Law Officers, when consulted as to the meaning of the expression "common lodging-house" in the 14 & 15 Vict., c. 28, advised as follows:—

"It may be difficult to give a precise definition of the term 'common lodging-house,' but looking to the preamble and general provisions of the Act, it appears to us to have reference to that class of lodging-houses in which persons of the poorer class are received for short periods, and though strangers to one another are allowed to inhabit one common room. We are of opinion that it does not include hotels, inns, public-houses, or lodgings let to the upper and middle classes."

By that part of the above definition which refers to the persons inhabiting a common lodging-house being "strangers to one another," the Law Officers in a second opinion explained that their "obvious intention was to distinguish lodgers promiscuously brought together from members of one family or household."

In reply to the question, whether lodging-houses, otherwise coming within the definition but let for a week or longer period, would, from the latter circumstance, be excluded from the operation of the Act, the Law Officers observed:—"We are of opinion that the period of letting is unimportant in determining whether a lodging-house comes under the Act now in question."*

So far as the foregoing definition of a common lodging-house rests upon the basis of the habitation of a common room by lodgers who are strangers to one another in the sense of not being members of one family or household, it may be inferred that this characteristic equally distinguishes the common lodging-houses to which the Public Health Act, 1875, applies. Such an inference receives support from the terms of section 87† which enacts that "in any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family the burden of proving such allegation shall lie on the persons making it."

With regard to the registration of common lodging-houses, in referring generally to the provisions of sections 76—79† and to so much of section 86† as renders liable to penalty any keeper of a common lodging-house who receives any lodger in such house without the same being registered under the Act, the Board would

* See also Note on p. 45.

† These sections are printed *in extenso* in Appendix No. II., see pp. 214, 216.

direct especial attention to an enactment in section 78.* By that section it is provided that "a house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the Local Authority."

To the thoroughness of this inspection much importance should be attached. It is essential that in all structural details the fitness of the premises should be carefully ascertained before the house is placed upon the register.

The rules which should guide the inspecting officer in his examination of the premises may be thus briefly indicated :—

The house should (1) possess the conditions of wholesomeness needed for dwelling-houses in general ; and (2) it should further have arrangements fitting it for its special purpose of receiving a given number of lodgers.

- (1.) The house should be dry in its foundations and have proper drainage, guttering, and spouting, with properly laid and substantial paving to any area or yard abutting on it. Its drains should have their connexions properly made, and they should be trapped, where necessary, and adequately ventilated. Except the soil pipe from a properly trapped watercloset, there should be no direct communication of the drains with the interior of the house. All waste pipes from sinks, basins, and cisterns should discharge in the open air over gullies outside the house. The soil pipe should always be efficiently ventilated. The closets or privies and the refuse receptacles of the house should be in proper situations, of proper construction, and adapted to any scavenging arrangements that may be in force in the district. The house should have a water supply of good quality, and if the water be stored in cisterns they should be conveniently placed and of proper construction to prevent any fouling of water. The walls, roof, and floors of the house should be in good repair. Inside walls should not be papered. The rooms and staircases should possess the means of complete ventilation ; windows being of adequate size, able to be opened to their full extent, or, if sash windows, both at top and bottom. Any room proposed for registration that has not a chimney should be furnished with a special ventilating opening or shaft, but a room not having a window to the outer air, even if it have

* This section is printed *in extenso* in Appendix No. II., p. 214.

special means of ventilation, can seldom be proper for registration.

- (2.) The numbers for which the house and each sleeping room may be registered will depend, partly upon the dimensions of the rooms and their facilities for ventilation and partly upon the amount of accommodation of other kinds. In rooms of ordinary construction to be used for sleeping, where there are the usual means of ventilation by windows and chimneys, about 300 cubic feet will be a proper standard of space to secure to each person ; but in many rooms it will be right to appoint a larger space, and this can only be determined on inspection of the particular room. The house should possess kitchen and dayroom accommodation apart from its bedrooms, and the sufficiency of this will have to be attended to. Rooms that are partially underground may not be improper for dayrooms, but should not be registered for use as bedrooms. The amount of water supply, closet or privy accommodation, and the provision of refuse receptacles should be proportionate to the numbers for which the house is to be registered. If the water is not supplied from works with constant service, a quantity should be secured for daily use on a scale, per registered inmate, of not less than ten gallons a day where there are waterclosets, or five gallons a day where there are dry closets. For every twenty registered lodgers a separate closet or privy should be required. The washing accommodation should, wherever practicable, be in a special place and not be in the bedrooms ; and the basins for personal washing should be fixed and have watertaps and discharge pipes connected with them.

Arrangements for the supply by the Sanitary Authority of placards such as are mentioned in the byelaws numbered 23 and 24 in the model series may be suggested as conducive to the well-ordering of common lodging-houses.

JOHN LAMBERT,

Secretary.

*Local Government Board,
25th July, 1877.*

BYELAWS

WITH RESPECT TO

COMMON LODGING-HOUSES.

NOTE.—Before proceeding to consider the several clauses of this set of byelaws, it will be desirable to draw attention to the decision in *Langdon*, Appellant, v. *Broadbent*, Respondent (37 L.T., n.s., 434 ; 42 J.P., 56), as to what constitutes a common lodging-house, which is of more recent date than the above memorandum. It was there held that evidence that hawkers, itinerant picture-frame makers, chairmakers, musicians, bone gatherers, and persons suspected of begging, resorted to a house for lodgings, and had their meals in the kitchen at the same table, paying 6d. per night each, is sufficient to establish that the house is a common lodging-house requiring to be registered under the Public Health Act, 1875. The case points to the conclusion, that in deciding whether a given house is or is not a common lodging-house within the meaning of the Public Health Act, regard should in each case be had to the consideration whether the circumstances of its occupation are or are not such that supervision by the Local Authority will be necessary in order to secure the needed cleanliness, ventilation, good ordering, &c.

What constitutes a common lodging-house.

A decision in the Queen's Bench Division of the High Court of Justice, to the effect that a resolution on the part of the Sanitary Authority to register a common lodging-house was sufficient to constitute registration is also important. The case is *Coles v. Fibbens* (52 L.T., n.s., 358 ; 49 J.P., 308), and it appeared that the Local Board of E. passed a resolution to register the respondent F. as the keeper of a common lodging-house, pursuant to the Public Health Act, 38 & 39 Vict., c. 55, s. 76. The clerk, however, afterwards received certain information, and did not put the name on the register. The town was then made a municipal borough, and the town clerk, not finding F.'s name on the register, summoned him under section 86, when F. set up in defence that he had been duly registered. Held, that the justices were right in refusing to convict, as the resolution of the Local Board constituted registration.

What constitutes registration.

In the case of *Booth*, Appellant, v. *Ferrett*, Respondent (*Times*, 15 May, 1890), it was held that a Salvation Army "refuge," not carried on for profit, was not a common lodging-house.

We would also at the onset emphasize the extreme importance of preliminary inspection of premises proposed to be registered, because the byelaws assume that, as the result of careful inspection, the structural fitness of the premises in all essential details would have been ensured in advance. Indeed, the requirements of the byelaws are essentially directed to the maintenance of those conditions of fitness.

Inspection prior to registration.

In connexion with such maintenance frequent systematic inspection of registered houses is essential, and it may be well to point out that special provision is made as to this, and as to its enforcement under sec. 85* of the Public Health Act, 1875.

Systematic inspections.

* This section is printed *in extenso* in Appendix No. II., p. 215.

For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house ; and for the separation of the sexes therein ; and

For promoting cleanliness and ventilation in such houses ; and

For the giving of notices and the taking precautions in the case of any infectious disease ; and

Generally for the well-ordering of such houses.

Restric-
tions
imposed
where the
number of
lodgers has
been fixed.

1. A keeper of a common lodging-house shall not, at any one time, receive, or cause or suffer to be received into such house, or into any room therein, a greater number of lodgers than shall be fixed by the Council as the maximum number of lodgers authorized to be received into such house, or into such room, and shall be specified in a notice in writing, according to the form herein-after prescribed, which shall be duly served upon or delivered to such keeper, and shall continue in force until, in pursuance of the provisions of the byelaw in that behalf, the number so fixed and specified shall be varied by the Council.

Form of Notice.

To

of

WHEREAS, in pursuance of the statutory provision in that behalf, you have been duly registered by the _____ of _____ as the keeper of a common lodging-house, situated at _____, in the said District :

Now I, _____, clerk to the said Council, do hereby give you notice that, in the exercise of the powers conferred upon them in that behalf, the said Council have fixed as the maximum number of lodgers authorized to be received at any one time into such house, and into the several rooms therein, the number specified in respect of such house and of each of such rooms in the Schedule hereunto appended.

SCHEDULE.

District of

Common lodging-house situated at

Name of keeper

The maximum number of lodgers authorized to be received at any one time into this house is _____.

The maximum number of lodgers authorized to be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—

—	Description or number of room.	Dimensions or cubical contents of room.	Maximum number of lodgers.
<i>Ground storey.</i>			
<i>First storey.</i>			
<i>Second storey.</i>			
<i>Topmost storey.</i>			

For the purposes of this notice every two children under the age of *ten years* may be counted as one lodger.

Witness my hand this day of 189 .

Clerk to the

NOTE.—For the purposes of efficient administration, it is very desirable that this clause and the appended table should be retained; and it is found that the fact of such a table having been served upon the keeper of a common lodging-house, will be of value as proof that the provision as to “fixing” the number of lodgers, &c., has been complied with on the part of the Local Authority. The insertion in the clause of any words to the effect that the Authority will from time to time fix the number of lodgers, &c., is to be avoided, for it has been considered, as regards section 35 of the Sanitary Act, 1866, which for this purpose is identical with section 80* of the Public Health Act, 1875, that a provision which would enable an authority at their uncontrolled will and pleasure to reduce or increase the number of occupants is not “fixing” within the meaning of the section. The point appears in an opinion given by the Law Officers of the Crown as to regulations under the section referred to; the opinion being as follows :—

“We are of opinion that any regulations for fixing the number of occupiers of houses, or parts of houses, let to different persons under the recent Act must receive the sanction of the Secretary of State [now the Local Government Board], and will not be valid unless confirmed by him. We think it is not competent for the Local Board by a general regulation, such as is proposed, to acquire or to reserve themselves the power of subsequently fixing the number of such occupiers; and, although the present regulations might be confirmed by the Secretary of State [now the Local Government Board] we are of opinion that it would not, upon the numbers of the occupiers being afterwards fixed by the Board, entitle them to enforce the penalties.

(Signed) H. M. CAIRNS.
 W. BOVILL.

“Lincoln’s Inn, 16th October, 1866.”

* This section is printed *in extenso* in Appendix No. II., p. 215.

Certain rules for the guidance of Sanitary Authorities in determining whether or not to register any particular house as a common lodging-house under the Act, have already been laid down in the prefatory memorandum to this series of byelaws (see p. 43), and some 300 cubic feet have been suggested as constituting a proper standard of space to secure to each person. No standard can, however, be laid down for universal application, since the amount of cubic space needful to the healthful occupation of a room must depend on a number of circumstances. The Commissioners of Police in London have a minimum standard, determined in part by the height of the room, which gives some 300 cubic feet for each person in sleeping rooms, these rooms not being occupied by day, and provision being made for their inspection with a view of seeing that their ventilation is effectually maintained. The standard is by no means a large one; it has been determined with a view of the difficulties of lodgment in the metropolis, and it should never be reduced. Where a room is occupied by day as well as by night, and assuming that it is provided with means of ventilation both by a fireplace and by one or more windows made to open, at least 400 cubic feet should be required for each inmate. As to any allowance in the case of young children, see last paragraph of the Form of Notice (page 47). This corresponds with clause 3 of the regulations issued by the Metropolitan Police, and which is to this effect:—"For the purpose of determining the number of persons authorized to be received into any common lodging-house, or into any room therein, two children under ten years of age may be counted as one person."

Restric-
tions
where the
number of
lodgers
has been
varied.

2. A keeper of a common lodging-house, in any case where the Council may from time to time determine that it is expedient to vary the number fixed by them as the maximum number of lodgers authorized to be received into such house, or into any room therein, and may from time to time, for the purpose of such variation, cause to be duly served upon or delivered to such keeper a notice in writing according to the form hereinafter prescribed, shall not, at any one time, after any such notice shall have been duly served upon or delivered to him, and after the date specified in such notice, and until, in pursuance of the provisions of this byelaw, the number specified in such notice shall be further varied, receive, or cause or suffer to be received into such house, or into any room therein, a greater number of lodgers than shall be specified in such notice as the maximum number of lodgers authorized to be received into such house, or into such room.

Form of Notice.

To

of

WHEREAS, in pursuance of the statutory provision in that behalf, you have been duly registered by the of
as the keeper of a common lodging-house, situated at
, in the said District :

And whereas the said Council have determined that it is expedient to vary the number heretofore fixed by them as the maximum number of lodgers

authorized to be received at any one time into such house and into the several rooms therein :

Now I, _____, clerk to the said _____, do hereby give you notice that from and after the _____ day of _____, the maximum number of lodgers authorized to be received at any one time into such house and into the several rooms therein shall be the number specified in respect of such house and of each of such rooms in the Schedule hereunto appended.

SCHEDULE.

District of _____

Common lodging-house situated at _____

Name of keeper _____

The maximum number of lodgers authorized to be received at any one time into this house is _____

The maximum number of lodgers authorized to be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—

_____	Description or number of room.	Dimensions or cubical contents of room.	Maximum number of lodgers.
<i>Ground storey.</i>			
<i>First storey.</i>			
<i>Second storey.</i>			
<i>Topmost storey.</i>			

For the purposes of this notice every two children under the age of *ten* years may be counted as one lodger.

Witness my hand this _____

day of _____

189 .

Clerk to the

NOTE.—The number of lodgers having been fixed, section 80* of the Public Health Act, 1875, gives the Authority power for “varying the number” who may be received into the common lodging-house ; indeed, such varying may be as much in the interests of the keeper as of the lodgers. It may be required in connexion with any enlargement or other structural alterations in the building, and has sometimes been adopted in connexion with the prevalence of infectious disease. As to this latter point, see also clause No. 18, page 56.

* This section is printed *in extenso* in Appendix II., p. 215.

Joint
occupation
by males
and
females of
the same
sleeping
apartment.

3. A keeper of a common lodging-house shall not, except in such cases as are herein-after specified, cause or suffer any person of the male sex above the age of *ten years* to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the female sex.

Such keeper shall not, except in such cases as are herein-after specified, cause or suffer any person of the female sex to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the male sex above the age of *ten years* :

Provided that this byelaw shall not be taken to prohibit the use and occupation by a husband and wife of any room which may not be used or occupied by any other person of either sex above the age of *ten years*, or which may be used, in accordance with the provisions of the byelaw in that behalf as a sleeping apartment for two or more married couples.

NOTE.—This clause aims at the provision of separate sleeping apartments for persons of different sexes, unless married, at an age when, according to experience, such separation becomes requisite. The limit of ten years, as a maximum age, has been fixed as desirable on physiological and other grounds, and there are strong reasons for not relaxing it. So long as children do not exceed ten years of age, they need not be separated from their parents, whose accommodation is dealt with in the next clause as to married couples.

Sleeping
accommo-
dation for
married
couples.

4. Every keeper of a common lodging-house shall cause every room therein which may be appointed for use and occupation as a sleeping apartment by two or more married couples to be so furnished or fitted that every bed, when in use and occupation, shall be effectually screened from the view of any occupant of any other bed, by means of a partition of wood or other solid material, which shall be constructed and fixed or placed so as to allow adequate means of access to the bed which such partition is intended to screen, and so as to extend upwards throughout the whole length and breadth of such bed to a sufficient height above such bed, and downwards to a distance of not more than *six inches* above the level of the floor.

NOTE.—The provision required under this clause is indispensable in the interests of privacy and decency ; indeed, some form of screening around the beds of married couples is already provided in all common lodging-houses which are properly administered. Curtains, as a screen, should be avoided, they are not so cleanly as wood, which can be regularly painted and washed ; and since they are removable either wholly or in part at the discretion of the lodgers, their use renders it impossible to throw the responsibility of maintaining an effectual screen upon the keeper of the house. In order to avoid any unnecessary interference with the due ventilation of the apartments, and, with a view to cleanliness, it is important that the needed wooden partitions should not be unnecessarily

high and that they should not reach the floor level. To avoid the compartments being overlooked, the partition should rise to a height of 6 feet 6 inches above the floor level, and, with a view to ventilation and to facilitate the cleansing of the whole surface of the apartment, a space of some 6 inches should be left between the bottom of the partition and the floor.

The provision of such a wooden screen around the beds of married couples has been required in the metropolis for many years past. As to this, see Dr. Julian Hunter's Report to the Privy Council Office on the Housing of the poorer parts of the Population in Towns, 1865.* The regulation at present enforced by the Metropolitan Police Commissioners requires that the beds shall be "separated by a partition sufficiently high to secure the privacy of each married couple, such partition to be of wood, or other solid material, and of suitable dimensions." On the subject of the regulation of common lodging-houses, generally, useful information may be derived from the Report of the *Lancet* Sanitary Commission on the condition of common lodging-houses (see *Lancet*, Vol. I., for 1876).

5. Every keeper of a common lodging-house shall cause every yard, area, forecourt, or other open space within the curtilage of the premises to be maintained at all times in good order, and to be thoroughly cleansed, from time to time, as often as may be reasonably necessary for the purpose of keeping such yard, area, forecourt, or other open space in a clean and wholesome condition. The cleansing of yards, &c.

NOTE.—This section is obviously necessary in the interests of "cleanliness." In view of the wording of section 80† of the Public Health Act, 1875, the requirements which are embodied in the section cannot extend beyond the curtilage of the common lodging-house premises.

6. Every keeper of a common lodging-house shall cause the floor of every room or passage and every stair in such house to be thoroughly swept once at least in every day, before the hour of *ten* in the forenoon, and to be thoroughly washed once at least in every week. The cleansing of rooms, passages, &c.

NOTE.—Having regard to the habits and conditions of the majority of the persons who resort to common lodging-houses, this regulation is most necessary, and cannot be considered as erring on the side of stringency.

7. Every keeper of a common lodging-house shall cause every window, every fixture or fitting of wood, stone, or metal, and every painted surface in such house to be thoroughly cleansed, from time to time, as often as shall be requisite. The cleansing of windows, wood-work, &c.

NOTE.—This clause only requires in the case of common lodging-houses, that which is customary in every well-ordered dwelling. The periodic lime-washing of walls and ceilings is provided for in section 82† of the Public Health Act, 1875.

* Eighth Report of the Medical Officer to the Privy Council, 1865, p. 63.

† These sections are printed *in extenso* in Appendix No. II., see p. 215.

The
cleansing
of bed and
bedding.

8. Every keeper of a common lodging-house shall cause all bed-clothes and bedding, and every bedstead used in such house, to be thoroughly cleansed, from time to time, as often as shall be requisite for the purpose of keeping such bed-clothes, bedding, and bedstead in a clean and wholesome condition.

NOTE.—In some instances definite periods have been inserted for the purpose of securing the cleansing of bedding, &c. But since it is not so much occasional cleansing, as the maintenance of cleanliness that is here aimed at, any authorities desiring to specify definite periods in order that their officers may see that the process is actually carried on should insert any such requirement (*e.g.*, “every first week in March, June, September, and December”) after the words “to be thoroughly cleansed,” and should then continue, “and also from time to time, as often . . .” Compliance with any regulation as to periodical cleansing will then not relieve the keeper of the house from the necessity of maintaining the bed-clothes, bedding, &c., in a clean and wholesome condition during the intervals, and it is especially the maintenance of this condition that Local Authorities should seek to enforce by systematic and frequent inspection.

Arrange-
ments for
personal
ablution.

9. Every keeper of a common lodging-house shall, for the use of the lodgers received into such house, cause to be provided a sufficient number of basins or other receptacles for water, of adequate capacity and suitably placed, and a sufficient supply of water and a sufficient number of towels for use in connexion with such basins or other receptacles. He shall cause such basins or receptacles to be kept clean and in good order, and the supply of towels to be renewed, from time to time, as often as may be requisite.

NOTE.—The provision of a water supply to common lodging-houses can be enforced under section 81 of the Public Health Act, 1875; but the requirement referred to in this section has to do with a sufficiency of water for the special purposes of personal ablution. The other requirements as to basins, receptacles, and towels follow as a matter of course in the interests of cleanliness.

Removal
of filth,
&c.

10. Every keeper of a common lodging-house shall cause all solid or liquid filth or refuse to be removed once at least in every day before the hour of *ten* in the forenoon from every room in such house, and shall once at least in every day cause every vessel, utensil, or other receptacle for such filth or refuse to be thoroughly cleansed.

NOTE.—This clause is essential for “promoting cleanliness,” and it should be one of the special objects of inspection to secure compliance with it. Further requirements as to scavenging and removal of filth, refuse, &c., should be met either by the action of the Local Authority under section 42* of the Public Health Act, 1875, or be enforced by byelaws under section 44* of that Act. As to the latter, see clauses and Notes to byelaws with respect to the cleansing of privies, &c., pp. 19 to 23.

* These sections are printed *in extenso* in Appendix No. II., pp. 212, 213.

11. Every keeper of a common lodging-house shall cause the seat, floor, and walls of every watercloset, earthcloset, or privy belonging to such house to be thoroughly cleansed, from time to time, as often as may be necessary for the purpose of keeping such seat, floor, and walls in a clean and wholesome condition.

Cleansing
of water-
closets, &c.

The terms of section 80* of the Public Health Act, 1875, do not admit of a byelaw regulating the actual structure of waterclosets, earthclosets, and privies in common lodging-houses. The Local Authority should, before placing any house on the register, see, in accordance with the rules laid down in the Prefatory Memorandum, p. 43, and subject to the principles embodied in clauses 67 to 79 of the byelaws relating to New Buildings, pp. 151 to 164, that the closets are of proper construction. This clause is, however, requisite in order to enable the Authority to require cleanliness as regards the various forms of closets, and it may also be helpful in securing such structural alterations as are necessary to the maintenance by the keeper of the needed cleanly and wholesome conditions.

On this latter point we should refer to the decision in the case of *Reg. v. Llewellyn* (L.R., 13 Q.B.D., 681; 33 W.R., 130), which gives power to justices, under sections 94-96* of the Public Health Act, 1875, to enforce specific works for the abatement of a nuisance. The case was one in which a privy openly discharged night-soil and offensive matter on the bank of a river. The Sanitary Authority served the owner with a notice to abate the nuisance, and for that purpose to remove the existing pipes and pan, to level the floor under the seat of the privy, and to provide a galvanized double-handle pail under the seat, the cover of which said seat to be movable, so that the premises should no longer be a nuisance or injurious to health. The justices at sessions made an order in the terms of the notice. On appeal it was held that the justices had jurisdiction to make the order. *Ex parte Saunders* (11 Q.B.D., 191) followed; and *Ex parte Whitchurch* (6 Q.B.D., 545) distinguished or dissented from.

As to privies with movable receptacles, see byelaws relating to New Buildings, clauses Nos. 75-77, pp. 159 to 162.

12. Every keeper of a common lodging-house shall cause every part of the structure of every watercloset belonging to such house to be maintained at all times in good order, and every part of the apparatus of such watercloset, and every drain or means of drainage with which such watercloset may communicate, to be maintained at all times in good order and efficient action.

Mainte-
nance of water-
closets in
good
order.

NOTE.—Inspection of the premises under section 78* of the Public Health Act, 1875, will have determined the question as to the sufficiency of the closet accommodation, drainage, &c., and this clause requires that the conditions which were deemed necessary to registration should be maintained in good order and efficient action. As to enforcing new works with a view to this, see especially sections 23, 36, 37, and also 157† of the Public Health Act, 1875; also the Note to clause No. 11 of this series of byelaws.

13. Every keeper of a common lodging-house shall cause every earthcloset or privy belonging to such house, and every receptacle

Earth-
closets,
privies
&c., to be

* These sections are printed *in extenso* in Appendix No. II., see pp. 214 to 217.

† This section is printed *in extenso* in Appendix No. II., see p. 220.

main-
tained in
good
order.

for filth provided or used in or in connexion with such earth-closet or privy to be maintained at all times in good order and in a wholesome condition.

He shall cause all such means or apparatus as may be provided or used in or in connexion with such earthcloset or privy and such receptacle, for the frequent and effectual application of dry earth or other deodorizing substance to any filth deposited in such receptacle, to be maintained at all times in good order and efficient action.

He shall cause a sufficient supply of such dry earth or other deodorizing substance to be, from time to time, provided for use in such earthcloset, privy, or receptacle for filth, and shall cause such dry earth or other deodorizing substance to be frequently and effectually applied to such filth, or he shall cause such dry earth or other deodorizing substance as may, from time to time, be supplied to such house, in pursuance of the statutory provision in that behalf, by the Council or by any person with whom they may contract for the purpose, to be frequently and effectually applied to such filth.

NOTE.—This clause assumes that, as the result of the statutory requirements and regulations of structural byelaws, and of the inspection that has satisfied the Local Authority that these requirements have been complied with prior to registration, there are proper closets on the premises, and it then provides for proper maintenance and proper use of these closets. Reference to clauses Nos. 70—79 of the byelaws relating to New Buildings, pp. 155 to 164, to the Notes appended to these clauses, as also to clause 3 of the byelaws relating to the Cleansing of Earthclosets, &c., p. 21, will show that the conditions referred to, and especially those favouring the frequent application of dry earth or other deodorizing substance to the excreta, are necessary to secure the required cleanliness, good order, and wholesomeness. These notes will also indicate the need for referring to the receptacle as well as to the structure of the privy itself. The statutory provision as to the supply of dry earth or other deodorizing substance to which reference is made towards the end of the clause, is paragraph 3 of section 37* of the Public Health Act, 1875.

Ashpits to
be main-
tained in
good
order.

14. Every keeper of a common lodging-house shall cause every ashpit belonging to such house to be maintained at all times in good order and in a wholesome condition.

He shall not cause or suffer any filth or wet refuse to be thrown into any ashpit constructed and adapted for use only as a receptacle for ashes, dust, and dry refuse.

NOTE.—The frequent and systematic emptying of any ashpit being carried out by the Local Authority under section 42* of the Public Health Act, 1875, or the duty being imposed on the occupier under section 44* of that Act, (see Note pre-

* These sections will be found in Appendix No. II., pp. 212, 213.

ceding clause No. 2 of the byelaws with respect to the Removal of House Refuse, &c., p. 20) it is still necessary to provide for the maintenance of the ashpit in good order and in a wholesome condition. To this end it is specially necessary to exclude filth and wet refuse from the structure. Both tend to make the contents offensive, and wetness of contents favours decomposition of vegetable and animal matters, thus ensuring nuisance.

15. Every keeper of a common lodging-house shall cause all such means of ventilation as may be provided in or in connexion with any room or passage in such house and in or in connexion with any watercloset, earthcloset, or privy belonging to such house, to be maintained at all times in good order and efficient action.

Means of ventilation to be maintained.

NOTE.—The means of ensuring the ventilation required cannot be specified in byelaws made under section 80* of the Public Health Act, 1875. But the structural alterations needed to secure them having been required previous to registration, it is still necessary in the interests of cleanliness and well-ordering to provide for their being maintained in a state of efficiency.

16. Every keeper of a common lodging-house shall, except in such cases as are herein-after specified, cause every window in every room in such house which may be appointed for use and occupation as a sleeping apartment, to be opened and to be kept fully open for *one hour* at least in the forenoon, and for *one hour* at least in the afternoon of every day :

Windows of sleeping apartments to be opened.

Provided that such keeper shall not be required, in pursuance of this byelaw, to cause any such window to be opened or to be kept open at any time when the state of the weather is such as to render it necessary that the window should be closed, or when any bed in such room may be occupied by any lodger in consequence of sickness or of other sufficient cause.

NOTE.—The requirement embodied in the first paragraph of this clause is obviously necessary to cleanliness and wholesome occupation, and the periods have been specified with due regard to the occupation of beds which is sanctioned under clause 21, p. 58. The more ordinary conditions which may lead to a temporary relaxation of the requirement are specified in the second paragraph of the clause, and the last words amply suffice to cover all reasonable difficulties which may be met with. If occupancy of rooms by day, in the case of those who work by night, prevents strict compliance with the terms of the clause, some alternative but corresponding provision as to ventilation should be included in the byelaws.

17. Every keeper of a common lodging-house shall cause the bed-clothes of every bed in such house to be removed from such bed as soon as conveniently may be after such bed shall have

The airing of bedding, bed-clothes, &c.

* This section is printed *in extenso* in Appendix No. II., see p. 215.

been vacated by any lodger, and shall cause all such bed-clothes and the bed from which such bed-clothes may have been removed to be freely exposed to the air for *one hour* at least in the forenoon or for *one hour* at least in the afternoon of every day.

NOTE.—This clause aims at securing such airing of bed-clothes and bed as is imperative under the circumstances of life in common lodging-houses and especially in view of the occupancy sanctioned under clause No. 21, p. 58. Mere turning down of bed-clothes would be quite insufficient to secure their proper exposure, and the efficient airing of the bed itself would certainly not be attained by such an arrangement.

Regulations
as to infectious
diseases.

18. Every keeper of a common lodging-house, immediately after he shall have been informed or shall have ascertained that any lodger in such house is ill of any infectious disease, shall adopt all such precautions as may be necessary to prevent the spread of such infectious disease.

Such keeper shall not, at any time while such lodger is suffering from such infectious disease, cause or allow any other person, except the wife or any other relative of such lodger, or except a person voluntarily in attendance on such lodger, to use or occupy the same room as such lodger.

Where, in pursuance of the statutory provision in that behalf, the Council may order the removal of such lodger to a hospital or other place for the reception of the sick, such keeper, on being informed of such order, shall forthwith take all such steps as may be requisite on his part to secure the safe and prompt removal of such lodger in compliance with the order of the Council, and shall, in and about such removal, adopt all such precautions as, in accordance with any instructions which he may receive from the Medical Officer of Health, may be most suitable for the circumstances of the case.

Where, in consequence of the illness of such lodger, there may be reasonable grounds for apprehending the spread of infection through the admission of lodgers to any room or rooms in such house, or through the admission to such room or rooms of the maximum number of lodgers authorized to be received therein, such keeper, after being furnished with the necessary instructions from the Medical Officer of Health, and until the grounds for apprehending the spread of infection shall have been removed, shall cease to receive any lodger in such room or rooms or shall receive therein such number of lodgers, being less than the maximum number, as the exigencies of the case may require.

Such keeper shall, immediately after the death, removal, or

recovery of any lodger who may have been ill of any infectious disease, give written notice thereof to the Medical Officer of Health, and shall, as soon as conveniently may be, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected, and shall also cause every article in such room which may be liable to retain infection to be in like manner cleansed and disinfected, unless the Council shall have ordered the same to be destroyed.

He shall comply with all instructions of the Medical Officer of Health as to the proper cleansing and disinfection of the room and articles.

When the same shall have been thoroughly cleansed and disinfected in accordance with such instructions, he shall give written notice thereof to the Medical Officer of Health; and, until two days from the giving of such notice shall have elapsed, and unless and until by such cleansing and disinfection the necessary precautions for preventing the spread of disease shall have been duly taken, such keeper shall not cause or suffer any other lodger to be received into the room which, in the case herein-before specified, may have been exposed to infection.

NOTE.—This clause provides “for the giving of notices and the taking precautions in the case of any infectious disease” under section 80* and section 86* (3) of the Public Health Act, 1875; it does not profess to specify all the action required in connection with the prevalence of such disease, but only to supplement the statutory enactments against infection which are contained in that Act, and which must be taken into account so as to avoid mere reproduction in the byelaw. Thus, there is no need to insert a paragraph requiring the keeper of any registered house to give notice on the occurrence of a case of infectious disease in his establishment, this being provided for by section 84* of the Public Health Act, 1875, where it is enacted that he shall give an immediate notice of such occurrence both to the medical officer of health and to the Poor Law relieving officer. It is a good plan to have a copy of this section hung up in every common lodging-house.

The notice having been given it will be found that ample provision is made in the byelaw for regulating the action to be taken with a view to prevent the spread of infection. The keeper will be compelled to comply with the conditions laid down as to the use of the room occupied by the patient, and with such instructions as the medical officer of health may give in connexion with the removal of the patient or of the dead body, the occupation of the lodging-house, the cleansing and disinfection of the room, and of articles liable to retain infection, &c. As regards the removal to hospital of infectious patients, which is referred to in paragraph 3 of the clause, this is provided for by the latter part of section 124* of the Public Health Act, 1875, the removal being authorized in the case of a person lodged in a common lodging-house quite irrespective of the character of the accommodation available in such house, and the removal is facilitated by the requirement that the keeper shall, under penalty, assist in effecting it. In some cases the inspector of nuisances is inserted in

* These sections are printed *in extenso* in Appendix No. II., see pp. 215, 216, and 219.

addition to the medical officer of health in paragraphs 3, 4, 5, 6, and 7 of this clause; but since the matters dealt with essentially involve medical judgment, it is not desirable to include that officer, who, for the purposes specified, should act under the directions of the medical officer of health.

Kitchens
&c., not
to be
sleeping
apart-
ments.

19. A keeper of a common lodging-house shall not, at any time, cause or suffer any room which may be appointed for use as a kitchen or scullery to be used or occupied as a sleeping apartment.

NOTE.—This clause is essential with a view of securing reasonably wholesome conditions both for sleeping and for the preparation of food; and the prohibition it contains is the more needed because such apartments as kitchens are, in common lodging-houses, so often used as day rooms for the occupiers generally.

Joint
occupancy
of bed by
males.

20. A keeper of a common lodging-house shall not cause or suffer any bed in any room which may be used as a sleeping apartment by persons of the male sex above the age of *ten years*, to be occupied at any one time by more than one such person.

NOTE.—This is a clause which should, under all circumstances, be retained in its entirety, directed as it is against the highly objectional practice of allowing two male persons either of adult age or approaching that age, to occupy the same bed. Those having experience of byelaws as to common lodging-houses attach considerable importance to the rigid observance of this clause. On this point it may be noted that Dr. Hunter, in his report to the Privy Council Office in 1865, on the Housing of the Poor in Towns, wrote that “the newly licensed houses in London have for more than two years been under a rule in this respect that all ‘single men’ shall sleep in single beds.”* Indeed, the Metropolitan Police regulations aim at enforcing this by controlling the size of the bed, requiring that the keeper “shall cause every room occupied by single men to be furnished with bedsteads and bedding of a size adapted for one person only.”

As regards the age of ten years which is inserted, it may be pointed out that laxity in this particular should carefully be avoided, and that experience derived from various parts of the kingdom goes to show that this limit can easily be used in practice.

Re-occu-
pation of
beds.

21. A keeper of a common lodging-house shall not cause or suffer any lodger to occupy any bed in such house at any time within the period of *eight hours* after such bed shall have been vacated by the last preceding occupant thereof.

NOTE.—The use of the same bed, bedding, and bed-clothes by different persons is a necessary condition of life in common lodging-houses as they now exist, and it therefore becomes important, for sanitary and other reasons, that a sufficient interval should elapse between the vacation of one bed by one lodger and its occupation by another. In the above clause the period inserted will enable the keeper to comply with the requirements which are embodied in clauses Nos. 6, 9, 10, 16, and 17, and which are essential in the interests of cleanliness and well-ordering.

* Eighth Report of the Medical Officer of the Privy Council, 1865, p. 83.

22. Every keeper of a common lodging-house shall cause every room in such house, which may be appointed for use and occupation as a sleeping apartment, to be furnished with such number of beds and bedsteads, and with such a supply of bed-clothes and of necessary utensils as may be sufficient for the requirements of the number of lodgers received into such room. Necessary furnishing of sleeping apartments.

NOTE.—All who have experience of common lodging-house administration will recognise the need for some such clause as this, which enables the Sanitary Authority to require the sleeping rooms to be provided with adequate furniture and other requisites. The clause is especially necessary in the interests of the occupiers. In some districts iron bedsteads are required, on the ground that they are more easily cleaned, and tend less to harbour vermin, than is the case with wooden ones.

23. Every keeper of a common lodging-house, on receiving from the Council a notice or placard wherein shall be stated the description or number of the room to which such notice or placard may apply, and the maximum number of lodgers authorized to be received at any one time in such room, shall put up or affix and continue such notice or placard in a suitable and conspicuous position in such room, and in such a manner that the words and figures in such notice or placard may be clearly and distinctly visible and legible. As to notices and placards.

He shall not, at any time, wilfully conceal, deface, alter, or obliterate any letter or figure in such notice or placard, or wilfully or carelessly injure or destroy such notice or placard.

NOTE.—The provisions of this clause tend to efficient administration. They are useful not only for the purposes of the Council and their officers, but to assist the keeper in exercising control over his lodgers. They also, by giving the lodgers information as to the amount of accommodation to which they are entitled, tend to secure to them the space assigned.

24. Every keeper of a common lodging-house, on receiving from the Council, for the purpose of exhibition in such house or in any room therein, a copy or copies of any byelaw or byelaws for the time being in force with respect to common lodging-houses, shall put up or affix and continue such copy or copies in a suitable and conspicuous position in such house, or in such room, and in such a manner that the contents of such copy or copies may be clearly and distinctly visible and legible. As to bye-laws.

He shall not, at any time, wilfully conceal, deface, alter, or obliterate any part of the contents of such copy or copies, or wilfully or carelessly injure or destroy such copy or copies.

NOTE.—For much the same reasons as are referred to in the Note to clause No. 23, the provisions of this clause are necessary for the purposes alike of Council, keeper, and lodgers.

25. Every keeper of a common lodging-house who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of _____, and in the case of a continuing offence to a further penalty of _____ for each day after written notice of the offence from the Council :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

NOTE.—The sums of Five pounds and Forty shillings may usefully be inserted in this clause.

Repeal of Byelaws.

26. From and after the date of the confirmation of these Byelaws, the Byelaws relating to _____ which were made on the _____ day of _____ by the _____ and _____ were confirmed on the _____ day of _____ in the year One thousand eight hundred and _____ by [one of Her Majesty's Principal Secretaries of State] [the Local Government Board] shall be repealed.

NOTE.—If there are in force any byelaws upon the subject to which this series refers, and the Council are desirous of repealing such byelaws, the blank spaces in the above clause should be filled in, and the clause added to the series.

Seamen's
lodging-
houses.

NOTE.—In connexion with the subject of common lodging-houses, it is desirable to draw attention to the provisions of section 48 of the *Merchant Shipping (Fishing Boats) Act*, 1883, under which byelaws and regulations may be made, with the sanction of the President of the Board of Trade, to provide, amongst other things, for the licensing of seamen's lodging-houses, the inspection of the same, and the sanitary conditions of the same. The full text of this section will be found in Appendix No. II., p. 235.

BYELAWS

WITH RESPECT TO

NEW STREETS AND BUILDINGS.

M E M O R A N D U M.

SECTION 157 of the Public Health Act, 1875 (38 & 39 Vict., c. 55), provides that "every Urban Authority may make byelaws with respect to the following matters ; that is to say—

- "(1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof ;
- "(2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings, for securing stability and the prevention of fires, and for purposes of health ;
- "(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings ;
- "(4.) With respect to the drainage of buildings, to water-closets, earthclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation ;

"And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the Urban Authority, and as to the power of such Authority (subject to the provisions of this Act) to remove, alter, or pull down any work begun or done in contravention of such byelaws :

"Provided that no byelaw made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

"The provisions of this section . . . shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament."

In connexion with the subject of byelaws with respect to new streets and buildings, the two following sections (158, 159) are important.

Sections 158 and 159 are in these terms :—

(Section 158.) "Where a notice, plan, or description of any work is required by any byelaw made by an Urban Authority to be laid before that Authority, the Urban Authority shall, within one month after the same has been delivered or sent to their surveyor or clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the Urban Authority, the Urban Authority may cause so much of the work as has been executed to be pulled down or removed.

"Where an Urban Authority incur expenses in or about the removal of any work executed contrary to any byelaw, such Authority may recover in a summary manner the amount of such expenses either from the person executing the works removed, or from the person causing the works to be executed, at their discretion.

"Where an Urban Authority may, under this section, pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken."

(Section 159.) "For the purposes of this Act, the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the frame work is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one

dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building."

In connexion with the byelaws authorized by section 157 (3) and (4), and with the interpretation of the important proviso in that section, the attention of the Sanitary Authority may be usefully directed to the cases of *Tucker v. Rees* (7 Jur., n.s. 629), and *Burgess v. Peacock* (16 C.B., n.s., 624; 10 L.T., n.s., 617).

JOHN LAMBERT,

Secretary.

Local Government Board,
25th July, 1877.

BYELAWS

*Made by the*¹

WITH RESPECT TO

NEW STREETS AND BUILDINGS,

in

²

Interpretation of terms.

1. In the construction of the byelaws relating to new streets and buildings the following words and expressions shall have the meanings herein-after respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur ; that is to say,—

“ District ” means the²

“ Council ” means the¹

“ Base ” applied to a wall means the under side of the course immediately above the footings :

“ Topmost storey ” means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not :

“ Party wall ” means :—

(a) A wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons ; or

¹ “ Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council ” ; or “ Urban [or Rural] District Council of _____, ” as the case may be.

² Insert name of Borough or Urban or Rural District, or if the Byelaws are to apply to part only of a Rural District, “ that portion of the Rural District of _____, which comprises the contributory places of _____, ” as the case may be.

(b) A wall forming part of a building and standing, in any part of the length of such wall, to a greater extent than the projection of the footings on one side on grounds of different owners :

- “ External wall ” means an outer wall of a building not being a party wall, even though adjoining to a wall of another building :
- “ Public building ” means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ball-room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto, by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally, for any other public purpose :
- “ Building of the warehouse class ” means a warehouse, factory, manufactory, brewery, or distillery :
- “ Domestic building ” means a dwelling-house or an office building, or other out-building appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building, or of the warehouse class :
- “ Dwelling-house ” means a building used or constructed or adapted to be used wholly or principally for human habitation :
- “ Width,” applied to a new street, means the whole extent of space intended to be used, or laid out so as to admit of being used as a public way, exclusive of any steps or projections therein, and measured at right angles to the course or direction or intended course or direction of such street.

NOTE.—The importance of a definite interpretation of many of the terms used in the subsequent clauses is sufficiently obvious to render explanation of this clause unnecessary. The interpretation of terms in byelaws needs considerable care, for where no interpretation is given in the byelaws themselves the meaning of any term can only be ascertained by reference to the enactment under which the byelaw in which such term occurs is made. It has been laid down in the case of *Blashill, app., v. Chambers, resp.*, (L.R., 14 Q.B.D., 479 ; 53 Q.T. (n.s.), 38 ; 49 J.P., 388), per Grove, J., that “the proper mode of construction is to apply the same interpretation to terms used in a byelaw which is applied to the same terms in the Act under the powers of which the byelaw is framed.” By section 31 of the Interpretation Act, 1889, it is provided that expressions used in byelaws made after 1st January, 1890, shall have the same

meanings as in the Act under which they are made. It is obvious, therefore, that it would be unnecessary to repeat in the byelaws the definition of terms already defined by the Act under which the byelaws were made; and there would be no authority for defining a term in any other way.

The interpretation of other terms used in the byelaws is already contained in the sections 4 and 159* of the Public Health Act, 1875, and hence cannot be embodied in this clause; but some of the words—as for example “street,” “drain,” “sewer,” &c—with their statutory meanings, as given in the Act, might usefully be included by Local Authorities in an appendix to their byelaws. It will further be desirable that the terms “Council” and “District,” as used in the series of byelaws, should be accurately defined. See concluding paragraph of letters addressed by the Local Government Board to urban and rural sanitary authorities, pp. 1 and 11. The interpretation of those terms should precede all other interpretations.

As regards the question what is a building within the operation of the byelaws, section 159 of the Public Health Act, 1875, provides that “the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.” It may also be useful to refer to the case of *Fielding v. Rhyl Improvement Commissioners* (L.R., 3 C.P.D., 272; 38 L.T. (n.s.), 223; 42 J.P., 311; 36 W.R., 881. The appellant, who was about to build a number of cottages, erected two brick structures within the district without complying with a byelaw as to the deposit of plans. One of such structures was intended for a brick-kiln, the other for storing tools and general convenience of workmen; and the justices found as a fact that the appellant intended to pull down both structures upon the completion of the cottages. It was held that the structures in question were not “buildings” within the meaning of the byelaws; and that, if the byelaws had been intended to include them, they would have been unreasonable.

As to the power of an Urban Authority to prescribe a building line under s. 155 of the Public Health Act, 1875, where a building is taken down, see the case of the *Attorney-General* (at the relation of the Corporation of Richmond, Surrey) v. *Hatch* (L.R. [1893] 3 Ch. 36, 68 L.T. (n.s.), 854). In that case it was held that as a substantial part of the front wall (viz., the upper storeys which were supported on girders after the lower storeys had been removed) had been left standing, neither the house nor the front wall thereof had been taken down within the meaning of s. 155, and the power to prescribe a building line had not arisen.

In the case of *Hibbert v. Acton Local Board* (5 Times Law Reports, 274) it was held that a conservatory 15 feet in length and 9 feet in depth built of wood and glass against the side of a house and inside the boundary wall of the garden, was not a “building” within the meaning of a byelaw similar to model clause No. 11. The Master of the Rolls said that the Court was not going to say that no conservatory could come within the byelaw. In *Bowes v. Law* (L.R., 9 Eq., 636), on the other hand, a vinery attached to a wall was held to be a building. Other cases bearing on the question of what is a new building, and which may usefully be consulted, are *Hobbs v. Dance* (43 L.J. (n.s.), M.C., 21; 29 L.T. (n.s.), 617), in which it was held that a small building, which was pulled down and re-erected from the same materials in another position was a “new building”; *Stevens v. Gourley* (7 C.B. (n.s.), 99; 1 L.T. (n.s.), 33; 29 L.J. (n.s.), C.P., 1;

* These sections are printed *in extenso* in Appendix No. II., see pp. 209 and 221.

6 Jur. (n.s.), 147 ; 8 W.R., 85), in which a structure of wood intended as a shop, but laid on timbers and not let into the ground, was held to be a building within the Metropolitan Building Act, 1855 ; and *Richardson* (app.) v. *Brown* (resp.) (49 J.P., 661), in which a building 30 feet long and 13 feet wide, made of wood and resting on wheels, was held to be a new building. In *Hall v. Smallpiece* (39 *Law Times*, 7) a roundabout, caravans, and a shooting tent were held not to be structures or erections of a movable character within 45 Vict., c. 14, s. 13.

In *Slaughter v. Mayor, &c., of Sunderland* (60 L.J., M.C. 91) an advertisement hoarding, from 13 to 19 feet in height, erected on three sides of a plot of ground was held not to be a new building.

In the case of *Ravensthorpe Local Board v. Hinchcliffe* (24 Q.B.D., 168 ; 59 L.J., M.C., 19), it was held under the Public Health (Buildings in Streets) Act, 1888, that the beginnings of walls which were about five inches above the level of the ground did not constitute a "house or building," and consequently that the prohibition in that Act against erecting or bringing forward "any house or building in any street, or any part of such house or building beyond the front main wall of the house or building on either side thereof in the same street," did not apply to the erection of a house six feet in advance of the line of such wall. The words "house . . . on either side thereof" mean a house within some near distance, within some degree of proximity, and not one standing some considerable distance away. This decision was followed in *Warren v. Mustard* (8 T.L.R., 65).

In the decision in *Attorney-General v. Edwards* (1891, 1 Ch. 194 ; 63 L.T., 639), it is laid down that for the purpose of determining whether a house or building is "on either side of" or "in the same street" as a house or building in course of erection, the building must be looked upon as a whole, and a particular wing or other projection must not be selected, the front of which is to be treated as the "front main wall," which is to give the governing line.

Exempted buildings.

2. The following buildings shall be exempt from the operation of the byelaws relating to new streets and buildings :—

(a.) Any building in Her Majesty's possession, or employed or intended to be employed for Her Majesty's use or service :

(b.) Any county or borough lunatic asylum, and any building or part of a building belonging to the council of any county, city, or borough, and used or intended to be used for the detention of any prisoners :

(c.) Any gaol, house of correction, bridewell, penitentiary, or other prison, and any building occupied or intended to be occupied by any prison officer for the use of such prison and contiguous thereto :

(d.) Any building (not being a dwelling-house) belonging to any person or body of persons authorized by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation of such river or canal, or the use of such dock,

harbour, or basin, and used or intended to be used exclusively under the provisions of such Act of Parliament for the purposes of such river, canal, dock, harbour, or basin :

(*e.*) Any building (not being a dwelling-house) erected or intended to be erected in connexion with any mine, and used or intended to be used exclusively for the working of such mine :

(*f.*) Any building erected or to be erected according to plans previously approved by the Land Commissioners for England or the Board of Agriculture under the Improvement of Land Act, 1864, or other Act or Acts for the improvement of land :

(*g.*) Any building which may not be exempt by the operation of any of the preceding clauses of this byelaw, and which may be erected or may be intended to be erected in accordance with such plan and in such manner as may be approved or directed in pursuance of any statutory provision in that behalf by one of Her Majesty's Principal Secretaries of State :

(*h.*) Any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, orchard-house, summer-house, poultry-house, or aviary which shall be wholly detached, and at a distance of *ten feet* at the least from any other building, and which shall not be heated otherwise than by hot water, and in which the fireplaces (if any) shall be detached with no flues of any kind within such plant-house, orchard-house, summer-house, poultry-house, or aviary :

(*i.*) Any building which shall not exceed in height *thirty feet* as measured from the footings of the walls, and shall not exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *eight feet* from the nearest street, and at least *thirty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(*j.*) Any building which shall exceed in height *thirty feet* as measured from the footings of the walls, and shall exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *thirty feet* from the nearest street, and at least *sixty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(*k.*) Any building erected or intended to be erected for use

solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disorder.

NOTE.—(a.) to (g.) The buildings exempted by these sub-sections are, for the most part, dealt with by some department of State, or, under other circumstances, are not such as can properly be brought under the operation of the byelaws, and therefore, in order to avoid possible difficulty, it is essential that these paragraphs should be retained.

It will be seen, however, that while those Government buildings for the construction of which special departmental supervision exists, are exempted, new buildings of the dwelling-house class, even when belonging to any company authorized by Act of Parliament to navigate canals, &c., would be subject to the operation of the byelaws in the same way as new buildings belonging to private individuals. This is a wise arrangement, as those buildings would otherwise be under no responsible control whatever.

Buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament, are specially exempted from the byelaws by the last paragraph of sec. 157* of the Public Health Act, 1875, but this exemption does not extend to dwelling-houses, as is shown by the following case:—

A railway company built on their own land cottages for their workpeople without giving notice to the Sanitary Authority pursuant to the byelaws as to new buildings. They relied on the exemption in sec. 157 of the Public Health Act, 1875, of “buildings belonging to any railway company and used for the purpose of such railway under any Act of Parliament.” *Held* that the exemption is confined to buildings which are part of stations or warehouses adjoining stations, and so directly connected with the traffic of railways; and cannot include all the houses which are occupied by those who merely had employment in railways. *Manchester, Sheffield, &c., Railway v. Barnsley Union* (56 J.P., 679).

(h.) It will be observed that this sub-section exempts from the operation of the byelaws all those detached buildings which are at a specific distance from other buildings, and are intended solely for garden purposes, also poultry-houses and aviaries, and in which no danger of fire can be reasonably anticipated.

(i.) and (j.) These clauses are intended to exempt from the operation of the byelaws such buildings as do not involve sanitary supervision, and in which but little danger from fire would be incurred. Agricultural buildings, such, for example, as barns, cart-houses, and the like, would thus, under ordinary circumstances, be exempt provided they are at a sufficient distance from neighbouring premises, buildings, and streets, and therefore those buildings might be constructed of timber and weather-boarding, with thatch roofs, and so forth; while, if they were not specially exempted, they would have to be constructed with walls of brickwork or other incombustible substances, with slate or tile roofs, &c. It will be seen that by clause (i.) such buildings in order to be exempted must in no case be within *eight feet* from the nearest street, nor *thirty feet* both from the nearest building and from the boundary of the adjoining premises. By sub-section (j.), if any such building is of greater height than *thirty feet*, and is of a greater capacity than *one hundred and twenty-five thousand cubic feet* ($50 \times 50 \times 50$ feet), the above-named minimum distances must be increased to *thirty feet* and *sixty feet* respectively on account of the greater danger that would result were the larger building to take fire. It has been suggested that, in order to extend the usefulness of the clause still further, the words “not being a building already exempted by this byelaw” should be inserted in each of these clauses (i.) and (j.)

* For the full text of this section, see Appendix No. II., p. 220.

after the words "nearest building." The effect of this alteration would be that when one exempted building has been erected, another building of similar construction might, subject to the same restrictions, be erected in close proximity to it if desired. This is needed especially in districts of a rural character, where, indeed, it may be useful to still further relax the requirements of the byelaws by allowing such farm buildings as are above mentioned to come close up to the street or road.

(k.) This clause is intended to exempt from the operation of the byelaws any building which may have to be put up to meet some temporary emergency where the use of bricks and mortar, &c., would not only involve the loss of much valuable time, but would render the building unfit for immediate occupation on account of the dampness of its walls. The exemption is, however, often restricted to buildings erected by the Council of the district in question.

In some cases it is desirable to allow of the erection of corrugated iron buildings, and this can be permitted if proper precautions are taken as to the uses to which such buildings are to be put, and for the prevention of fire. The following clause has accordingly been framed to deal with the subject, and may be added to No. 2. It will be seen that it exempts the buildings referred to from the operation of those clauses which relate to the construction of the walls only of buildings.

The following buildings shall be exempt from the operation of the byelaws numbered eleven to thirty-five, both inclusive, that is to say:—

Exemption of iron buildings.

(i.) Any building comprising not more than one storey—

(a.) The external walls of which shall be constructed of, or wholly covered with, galvanized, corrugated, or other sheet iron ;

(b.) Which shall not exceed in height *twelve feet* as measured from the level of the ground adjoining the walls to half the vertical height of the roof, and shall not exceed in extent *two thousand cubic feet* ;

(c.) Which shall not be constructed or adapted to be used either wholly or partly for human habitation ;

(d.) And shall be distant at least *ten feet* from the boundary of any adjoining lands or premises.

(ii.) Any building comprising not more than one storey—

(a.) The external walls of which shall be constructed of, or wholly covered with, galvanized, corrugated, or other sheet iron ;

(b.) Which shall exceed *twelve feet*, and shall not exceed *fifteen feet*, as measured from the level of the ground adjoining the walls to half the vertical height of the roof, and shall not exceed in extent *fifteen thousand cubic feet* ;

(c.) Which shall not be constructed or adapted to be used either wholly or partly for human habitation ;

(d.) And shall be distant at least *eight feet* from the nearest street, and at least *fifteen feet* from the nearest building, and from the boundary of any adjoining lands or premises.

(iii.) Any building comprising not more than one storey—

(a.) The external walls of which shall be constructed of, or wholly covered with, galvanized, corrugated, or other sheet iron;

(b.) Which shall exceed *fifteen feet*, and shall not exceed *thirty feet*, as measured from the level of the ground adjoining the walls to half the vertical height of the roof, and shall not exceed in extent *eighty thousand cubic feet*;

(c.) Which shall not be constructed or adapted to be used either wholly or partly for human habitation;

(d.) And shall be distant at least *eight feet* from the nearest street, and *thirty feet* from the nearest building, and from the boundary of any adjoining lands or premises.

With respect to the level of new streets.

Level of
new
streets.

3. Every person who shall lay out a new street shall lay out such street at such level as will afford the easiest practicable gradients throughout the entire length of such street for the purpose of securing easy and convenient means of communication with any other street or intended street with which such new street may be connected or may be intended to be connected, and as will allow of compliance with the provisions of any statute or byelaw in force within the district for the regulation of new streets and buildings.

NOTE.—This clause prescribes in the simplest and most general way how the levels of any new street are to be determined. In the case of *Mayor of Sunderland v. Brown* (43 L.T. (n.s.), 478; 44 J.P., 831), a person who under a contract built along the line of a street laid out by the owner with whom he contracted, was held not to be a “person who lays out a new street.” Regarding the question what is a new street, reference may be made to the case of *Baker v. Mayor, &c. of Portsmouth* (L.R., 3 Ex.D., 4 and 157; 47 L.J., Ex., 223; 37 L.T. (n.s.), 822; 42 J.P., 278), in which it was held that the words “with respect to the level, width, and construction of new streets” include the construction of the buildings and the buildings themselves and front gardens, or whatever else is at the side of the roadway. This case was approved of in the subsequent case of *Robinson v. Barton, Eccles, &c., Local Board* (L.R., 8 App. Cases, 798; 53 L.J., ch. 226; 50 L.T. (n.s.), 57; 48 J.P., 276). And the same principle was applied to an old lane which it was held might become a new street when buildings were erected at the side of it. In *Maude and others v. Baildon Local Board* (L.R., 10 Q.B.D., 394; 48 L.T. (n.s.), 874; 47 J.P., 644), it was held to be a question of fact for the justices whether or not a road is a new street.

In the case of *Gozzett v. Maldon Urban Sanitary Authority*, (L.R. [1894]; 1 Q.B.D., 327), it was held that a person who erected two houses on a piece of land, which was accessible by a right of way over an adjoining road, 15 feet wide, was not laying out the road over which the right of way extended as a new street.

It was held in the case of *St. George's Local Board v. Ballard* (L.R. [1895], 1 Q.B., 702; 72 L.T. (n.s.), 343; 11 T.L.R., 263), that where a house was erected so as to front on a main road and so as to extend with its garden for a

distance of 80 feet down the side of a lane at right angles to the road, such lane being only 8 feet wide, the person erecting the house could not be convicted for laying out the lane as a new street of a width contrary to the byelaws.

Some semi-detached villas, erected at a distance of 62 feet from the boundary of a street, were held in the case of *Reg. v. Fulwood Local Board*, 72 (L.T. (n.s.), 592), to be at such a great distance as not to be buildings "in the same street" as a new building proposed to be erected so as to be set back 21 feet from the street, and therefore they did not determine the building line within s. 3 of the Public Health (Buildings in Streets) Act of 1888.

With respect to the width and construction of new streets.

4. Every person who shall lay out a new street which shall be intended for use as a carriage-road shall so lay out such street that the width thereof shall be *thirty-six feet* at the least.

Width of carriage street.

NOTE.—The width here prescribed as a minimum width for a new street intended for carriage traffic, is the least width that is consistent with convenience of the existing or prospective traffic in a district where it has been found necessary to have urban powers. It is undesirable, moreover, to prescribe a less width than *thirty-six feet*, as it is expedient to avoid as far as possible the crowding of houses on a given area.

5. Every person who shall construct a new street which shall exceed *one hundred feet* in length shall construct such street for use as a carriage-road, and shall, as regards such street, comply with the requirements of every byelaw relating to a new street intended for use as a carriage-road.

Streets exceeding 100 feet in length.

NOTE.—The requirement of this clause has for its object to prevent the formation of narrow streets of indefinite length, and aims at securing transverse openings in such streets so as to promote the circulation of air in and across them to the utmost extent. This byelaw was held to be reasonable in the case of *Roberts v. Richards* (54 J.P., 693).

6. Every person who shall lay out a new street which shall be intended for use otherwise than as a carriage-road, and shall not exceed in length *one hundred feet*, shall so lay out such street that the width thereof shall be *twenty-four feet* at the least:

Width of new street not intended for carriage traffic.

Provided always, that this byelaw shall not apply in any case where a new street shall not be intended to form the principal approach or means of access to any building, but shall be intended for use solely as a separate means of access to any premises for the purpose of removing therefrom the contents of the receptacle of any privy, or of any ashpit, or of any

cesspool without carrying such contents through any dwelling-house or public building or any building, in which any person may be or may be intended to be employed in any manufacture, trade, or business.

NOTE.—This clause permits the formation, under certain circumstances, of new streets, affording the principal approach to houses, of such limited width as to be unsuited for general carriage traffic.

It is worth considering whether it is expedient to encourage the formation of the narrow streets permitted by this clause in any district that is likely to be thickly built over ; or whether the interests of the district generally would not be best promoted by omitting this and the last preceding clause, as well as the words “which shall be intended for use as a carriage-road” in clause No. 4, and thus requiring every new street to be made at least *thirty-six feet* in width. Indeed, that minimum width might, in many instances, be increased with advantage to, say, *forty feet*.

It will be observed that the proviso to this clause exempts from the requirement of the clause all back streets affording secondary access to houses. The provision of such streets cannot be enforced under sec. 157 of the Act of 1875. In the case of *Waite v. Garston Local Board* (L.R., 3 Q.B., 5 ; 37 L.J.M.C., 19 ; 17 L.T. (n.s.), 201), a byelaw that no dwelling-house should be erected without having at the rear or side a roadway at least *twelve feet* wide communicating with some adjoining public highway in such situation as the Local Board should approve for the purpose of affording efficient access to the privy or ashpit, was held to be *ultra vires*. Such streets should be of the greatest width procurable. But since the provision of a back street cannot be required under a byelaw, it is probable that the provision of such streets would at times be hindered if a really adequate width were to be prescribed in the byelaws. Hence no width is specified for back streets in the model series. If, however, it be considered desirable, in the interests of a locality, to lay down a minimum width for such streets, it can be done ; and such width should be at least *ten feet*. The following clause has been adopted :—

6A. Every person who shall lay out a new street which shall not be intended to form the principal approach or means of access to any building, but shall be intended for use solely as a separate means of access to any premises for the purpose of removing therefrom the contents of the receptacle of any privy, or of any ashpit, or of any cesspool, without carrying such contents through any dwelling-house or public building in which any person may be or may be intended to be employed in any manufacture, trade, or business, shall so lay out such street that the width thereof shall be *sixteen feet* at the least, provided that if the new street shall not exceed in length *three hundred feet*, the width thereof shall be *thirteen feet* at the least.

In the case of *Reg. v. Goole Local Board* (1891, 2 Q.B., 212 ; 60 L.J., Q.B., 617), it was held that ways, such as are referred to in this byelaw, were “passages” within the meaning of sec. 4 of the Public Health Act, 1875, and therefore were “streets” within the meaning of that section. An urban authority consequently has power to make byelaws with respect to width, &c., under sec. 157.

Where Part III. of the Public Health Acts Amendment Act, 1890, is in force a sanitary authority will, however, have power to make byelaws requiring the provision, in connection with the laying out of new streets, of "secondary means of access" where necessary for the removal of house refuse and other matters.

7. Every person who shall construct a new street for use as a carriage-road shall comply with the following requirements:—
- (a.) He shall construct the carriage-way of such street so that the width thereof shall be *twenty-four feet* at the least.
 - (b.) He shall construct the surface of the carriage-way of such street so as to curve or fall from the centre or crown of such carriage-way to the channels at the sides thereof; the height of the crown of such carriage-way above the level of the side channels being calculated at the rate of not less than *three-eighths of an inch* and not more than *three-fourths of an inch* for every *foot* of the width of such carriage-way.
 - (c.) He shall construct on each side of such street a footway of a width not less than *one-sixth* of the entire width of such street.
 - (d.) He shall construct each footway in such street so as to slope or fall towards the kerb or outer edge at the rate of *one half of an inch* in every *foot* of width, if the footway be not paved, flagged, or asphalted; and at the rate of not less than *a quarter of an inch* and not more than *one half of an inch* in every *foot* of width, if the footway be paved, flagged, or asphalted.
 - (e.) He shall construct each footway in such street so that the height of the kerb or outer edge of such footway above the channel of the carriage-way (except in the case of crossings paved or otherwise formed for the use of foot passengers) shall be not less than *three inches* at the highest part of such channel and not more than *seven inches* at the lowest part of such channel.

Construction of new streets.

Width of carriage-way.

Surface of carriage-way.

Width of footways.

Surface of footways.

Kerbing.

NOTE.—The width (*twenty-four feet*) prescribed in (a.) for the carriage-way of a new street is requisite in order to allow sufficient space for three ordinary vehicles, *i.e.*, one standing on each side, with adequate space between them to allow another vehicle to be easily driven past.

In cases where a greater width for new streets intended for carriage traffic than that prescribed in clause No. 4 is adopted, it may be deemed preferable to prescribe a proportionate width for the carriage-way, as for example, *two-thirds* of the entire width of the street for the carriage-way, the prescribed width for the footway remaining as in (c).

In (b.) it may be that the prescribed height of the crown of the carriage-way above the channels at the sides is somewhat in excess of what is frequently desirable, and the minimum and maximum heights prescribed should therefore

be specially considered with reference to the usual form of construction adopted in the district.

A byelaw was held to be unreasonable which was in the following terms:—
 “Every person who constructs a new street shall cause the kerb of each footpath in such street to be put in at such level as may be fixed or approved by the urban sanitary authority. No person shall commence the erection of a new building in a new street unless and until the kerb of each footpath therein shall have been put in pursuant to the preceding requirement.” *Rudland v. Mayor, &c., of Sunderland* (33 W.R., 164; 49 J.P., 359; 52 L.T. (n.s.) 616).

Entrance
to new
streets.

8. Every person who shall construct a new street shall provide at one end, at least, of such street an entrance of a width equal to the width of such street, and open from the ground upwards.

NOTE.—Although it may be contended that, in the interests of a district, it would be very desirable to prevent the formation of streets* with dead ends—*culs de sac*—by requiring every new street to have a proper entrance at each end, it is probable that many cases would occur in which such a requirement would act oppressively. Before any alteration in this sense, therefore, is made in the model clause, it should be carefully considered whether the circumstances of the district will admit of the prohibition of such *culs de sac*, without inflicting unreasonable hardship on individuals.

This byelaw was under consideration in the cases of *Hendon Local Board v. Pounce* (42 Ch. Div., 602), and *Bromley Local Board v. Lloyd* (56 J.P., 278), but, on the final hearing of the latter case on the 23rd February, 1893, these decisions were over-ruled, and the byelaw was held to allow a new street to be formed of the width required by the byelaws even though access to it could only be obtained along a street *twenty feet* in width. (See *Local Government Chronicle*, 4th March, 1893, and verbatim report of the Judgment in Appendix IV., p. 240.) A similar question arose in the latter case of *Burton Regis District Council v. Stevens*, (11 T.L.R., 347; 40 S.J., 459), and here the view taken in *Hendon Local Board v. Pounce* was followed.

It will be observed that this clause applies to any new street whatsoever, whether intended for carriage traffic or not, and that the street at its entrance is to be wholly unimpeded by an arch or projection of any kind.

Sewerage
of new
streets.

The section of the Public Health Act, 1875, which authorizes the making of byelaws with respect to new streets, allows byelaws to be made with respect to the sewerage of new streets. In reference to this subject, however, the Local Government Board, in their circular letter, 25th July, 1877 (see p. 3), when the model byelaws were published, explained the circumstances which led to the omission of byelaws on that subject from the model series, in the following paragraph:—

“It will be seen that the model series contains no byelaws specifying provisions for the sewerage of new streets, and the reason for this is that the conditions which such byelaws must satisfy are, to so great an extent, dependent upon the varying circumstances of different localities.”

With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health.

Filth to be
removed
from foun-
dations.

9. A person who shall erect a new building shall not construct any foundation of such building upon any site which shall have

* For a definition of the term “street,” see Appendix No. II., page 209.

been filled up with any material impregnated with faecal matter or impregnated with any animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed, by excavation or otherwise, from such site.

NOTE.—From a Report made by Professor Burdon Sanderson, M.D., F.R.S., and the late Professor Parkes, M.D., F.R.S., on the Sanitary Condition of Liverpool, experiments, having for their object to ascertain what the effect of time had been on the organic matters which, together with cinder refuse, had been used to fill up inequalities in the ground, tended to show that “the process of decay of all the most easily destructible matters,” including vegetable refuse, “is completed in three years.” In the case of wood and woollen cloth the process was more prolonged. The Report further states that “the vegetable and animal matter contained in the cinder refuse decays and disappears in about three years, and is virtually innocuous before that time.” It may therefore be assumed that for practical purposes three years will amply suffice for the removal by oxidation of the objectionable matters in such refuse. If, however, faecal matter has at any time formed part of the refuse, more stringent precautions ought, for obvious reasons, to be taken, and even after a lapse of a much longer period all soil which has been contaminated by such matter should be removed before building operations can safely be sanctioned.

It has in some places been found desirable to add to this clause after the words “or vegetable matter” in line 4, the words “or with any refuse product of any chemical process.”

Upon the question as to who answers the description of the “person who shall erect a new building,” the case of *Regina v. Brown* (45 J.P., 220)—though arising under the Metropolitan Building Act—deserves notice. W. had entered into an agreement with B. to build eighty houses in the metropolis according to plans which B. deposited with the district board. B. built about fifty of the houses, and then left the rest to be built by C., and did not interfere further. C. violated the byelaws, and B., as the depositor of the plans, was fined by the justices as the person erecting the building contrary to the byelaws. *Held*, that B. could not be deemed the person erecting, after having ceased to superintend the building, and that the conviction was invalid.

This byelaw should be omitted where sec. 25 of the Public Health Acts Amendment Act, 1890, is in force.

10. Every person who shall erect a new domestic building shall cause the whole ground surface or site of such building to be properly asphalted or covered with a layer of good cement concrete, rammed solid, at least *six inches* thick.

Site to be covered with concrete.

NOTE.—The sanitary advantages of this clause are considerable. Residence on a damp subsoil as the foundation for a house, has long been known to favour the prevalence of disease, such as pulmonary consumption, hence regulations to prevent the passage of dampness from the soil beneath houses into their interior are obviously desirable. All soils and rocks are, more or less, pervious; this is especially the case with gravel, sand, and chalk, which are popularly deemed to afford the best subsoils for dwelling-houses. Indeed, chalk will hold some sixteen per cent. of its weight in water; in a similar way large volumes of ground air are held in its pores, and both this and the moisture when drawn up into a house by

the influence of temperature, or as the effect of a direct suction resulting from fires, &c., tend to injurious results. Every year more and more is being learnt as to the injurious influence of admitting ground air into dwellings, and this especially in thickly populated places. So also, where the foundations are laid in some specially dry formation, serious and fatal disease has followed on the soakage of filth from a leaky drain on neighbouring premises, or otherwise, into the soil beneath a house. This source of danger, which has been found especially grave in the case of pervious gravels and fissured rocks, is obviated by the adoption of this clause. It is to be remembered that the extra cost of adopting the precaution prescribed in this clause cannot add greatly to the cost of a house, seeing that a cubic yard of concrete costs perhaps from ten to fifteen shillings, and, at *six inches* thick, will cover an area of *fifty-four square feet*. It would be an additional safeguard to require the upper surface of the concrete to be grouted and floated over to a smooth surface with cement.

If the use of concrete, as prescribed in this clause, be adopted, the distance between the surface of the concrete and the underside of the floor joists need not be more than some *three inches* (vide clause No. 56, page 133); but if the concrete be omitted, that distance would have to be increased to at least *nine inches*, which would involve fully two more courses of bricks throughout all the walls of the building—thus going far to counteract the saving effected by the omission of the concrete. It may further be pointed out that in many cases, as in halls, lobbies, and certain kitchen offices, the concrete may form the finished flooring, and thus save any additional cost for other kinds of flooring.

Low-lying
and exca-
vated sites
to be
elevated.

In certain low-lying districts, and in localities where excavations have been made, as by the removal of brick-earth or clay, a byelaw may be found necessary, requiring that such sites shall be specially prepared by elevation and otherwise before building operations can be sanctioned. In districts where the removal of clay from a flat and low-lying tract of land has been in part effected, and where a large increase of such excavations has been anticipated in connection with the manufacture of bricks for dwelling-houses which were about to be erected, it has been found desirable to supplement clause No. 10 by the following one, No. 10A. As regards low-lying sites, as for example near rivers, it would be necessary, in any byelaw having a similar object, to define the area to which it should apply, and the clause No. 10B is suggested for the purpose.

Excavated
sites.

10A. In every case where the intended site of a new building may have been or may have formed part of a clay pit, or where, by reason of excavation and the removal of earth, gravel, stones, or other materials from such site, the whole or any part of the surface thereof may be at such a depth below the level of the surface of the ground immediately surrounding and adjoining such site as may render the elevation of the whole or part of the existing surface of such site necessary for the prevention of damp in any part of any building to be erected thereon:—A person shall not construct any foundation of a new building upon such site or upon such part thereof as, for the purpose aforesaid, may require elevation, unless and until there shall have been properly deposited thereon a layer or layers of sound and suitable material sufficient to elevate such site or such part thereof to an adequate height, and to form a stable and healthy substratum for such foundation.

10B. In every case where the intended site of a new building ^{low-lying sites.} may be within an area bounded by [*here insert boundaries of the area to which the following requirement is to apply*], a person shall not construct any foundation of such building unless and until there shall have been properly deposited upon the site a layer or layers of sound and suitable material sufficient to elevate such site to a height at least *feet* above the Ordnance datum, and to form a stable and healthy substratum for such foundation; or unless he shall so erect the building upon cement concrete, masonry, or brickwork, that the floor of the lowest storey shall be at least *feet* above the Ordnance datum.

11. Every person who shall erect a new building shall cause such building to be enclosed with walls constructed of good ^{Material for external and party walls.} bricks, stone, or other hard and incombustible materials, properly bonded and solidly put together :—

(a.) With good mortar compounded of good lime and clean sharp sand, or other suitable material; or

(b.) With good cement; or

(c.) With good cement mixed with clean sharp sand.



A



B

DIAGRAM No. 1.

NOTE.—This clause aims at assisting the Local Authority in securing that the enclosing walls—external walls and party walls—of a new building shall be formed not only of hard and incombustible materials, but that such materials shall be properly put together with suitable mortar or cement.

“Hard and incombustible materials.” This phrase has received judicial interpretation in the case of *Badley v. Cuckfield Rural District Council*, 72 L.T.

n s. 775, in which it was held that a framework of wooden upright and horizontal posts and rails covered outside with sheets of corrugated galvanized iron, lined with a layer of felt, and covered inside with match-boarding so as to leave a space of *four-and-a-half inches* between the match-boarding and the felt, was not a wall constructed of "hard and incombustible materials" within the byelaw.

The term "properly bonded" means the regular interlacing together of the bricks—whole bricks, not broken bricks, or "bats," as they are called—transversely as well as longitudinally in the several courses. From this it will be seen that no properly bonded wall can be of less thickness than the length of a brick, Diagram No. 1 shows the two methods of bonding commonly adopted. A is known as Flemish bond, all the courses having "headers" and "stretchers" placed alternately; and B, the English bond, having courses of "headers" alternating with courses of "stretchers."

In case it may be desired to regulate the construction of hollow external walls—and they would otherwise be prohibited by this clause—a special proviso has been framed prescribing the width of the cavity and the maximum distances apart, both vertically and horizontally, as well as the material, of the necessary bonding-ties. Diagram No. III. shows how the bonding-ties should be placed. The proviso likewise excludes the width of the cavity from being reckoned in the thickness of the wall; and it further requires any woodwork in the wall to be protected from damp entering the cavity. It is sometimes considered desirable to further require the cavity to be provided with proper means of draining away water from it and of ventilating it.

Hollow
walls.

Provided that such person may construct any external wall of such building as a hollow wall, if such wall be constructed in accordance with the following rules:—

(i.) The inner and outer parts of the wall shall be separated by a cavity which shall throughout be of a width not exceeding *three inches*.

(ii.) The inner and outer parts of the wall shall be securely tied together with suitable bonding ties of adequate strength formed of galvanized iron, or iron tarred and sanded, or of glazed stoneware. Such ties shall be placed at distances apart not exceeding *three feet* horizontally and *eighteen inches* vertically.

(iii.) The thickness of each part of the wall shall throughout be not less than *four and a half inches*.

(iv.) The aggregate thickness of the two parts, excluding the width of the cavity, shall throughout be not less than the minimum thickness prescribed by the byelaws in that behalf for an external wall of the same height and length, and belonging to the same class of building as that to which the hollow wall belongs.

(v.) All woodwork which may be intended to form the head of a door-frame, or window-frame, a lintel, or other similar structure, and may be inserted in the wall so as to project into or extend across the intervening cavity, shall be covered throughout on the upper side thereof with a layer of sheet lead or other suitable material impervious to moisture in such a

manner as effectually to protect such woodwork from any moisture that may enter the cavity.

Where it is anticipated that buildings will be constructed of half-timber work, the model clause No. 11 will need some modification, and accordingly clause No. 11A has been framed to permit so combustible a material as wood to be introduced in the construction of the external walls of new buildings in a way that will reduce to a minimum the danger of fire, and, at the same time, not impair stability. It will be seen that the new clause provides that, in the case of a detached building at least *fifteen feet* from any other building not in the same curtilage, the external walls may be formed of half-timber construction, provided the timber-framing is properly put together and the interspaces filled in with brickwork, and a thickness of at least *four and a half inches* of brickwork is placed at the back of the timber-framing as shown in Diagram No. II. In the case of attached houses, the

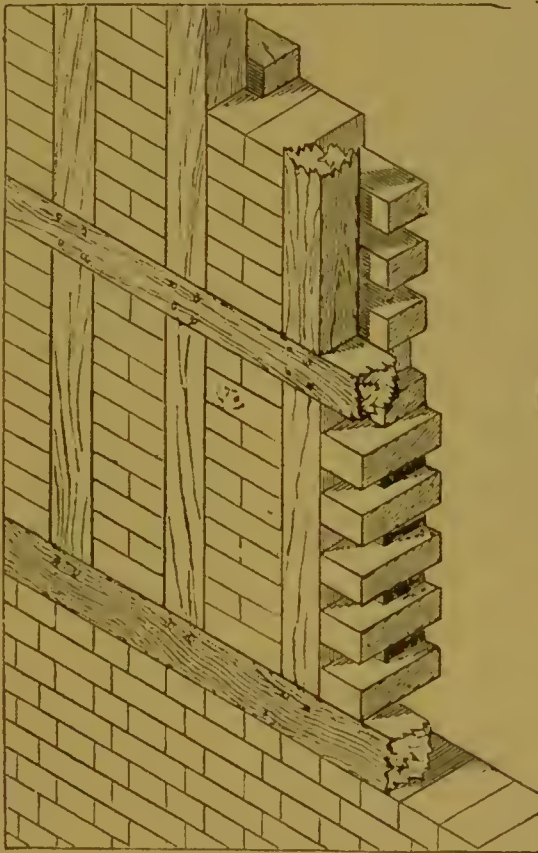


DIAGRAM No. II.

clause permits blocks of three houses to be erected with intervals of *fifteen feet* between such blocks; and it requires the party walls to project at least *one inch* beyond the timber-framing in the external walls so as to sever the continuity of timber from one house to the next. The introduction of timber into the construction of the external walls of a new building, involves slight alterations in clauses Nos. 22 and 24.

In the same way a further modification of clause No. 11 has been framed for allowing, in the case of detached or semi-detached dwelling-houses more than one storey high, the upper two storeys to be constructed with timber-framed and tile-hung walls, and thus permit the walls of the one-pair storey, and the gable walls of an attic storey, to be constructed with hanging-tiles on their external

face, the walls of the ground storey being constructed of brickwork or stone work in the ordinary manner. This modified clause, No. 11B, is printed below.

Printed draft copies of the modified clauses are supplied by the Local Government Board on the application of any Local Authority desiring to adopt them.

11A. Every person who shall erect a new building shall, except in such cases as are herein-after specified, cause such building to be enclosed with walls constructed of good bricks

Half-timber walls.

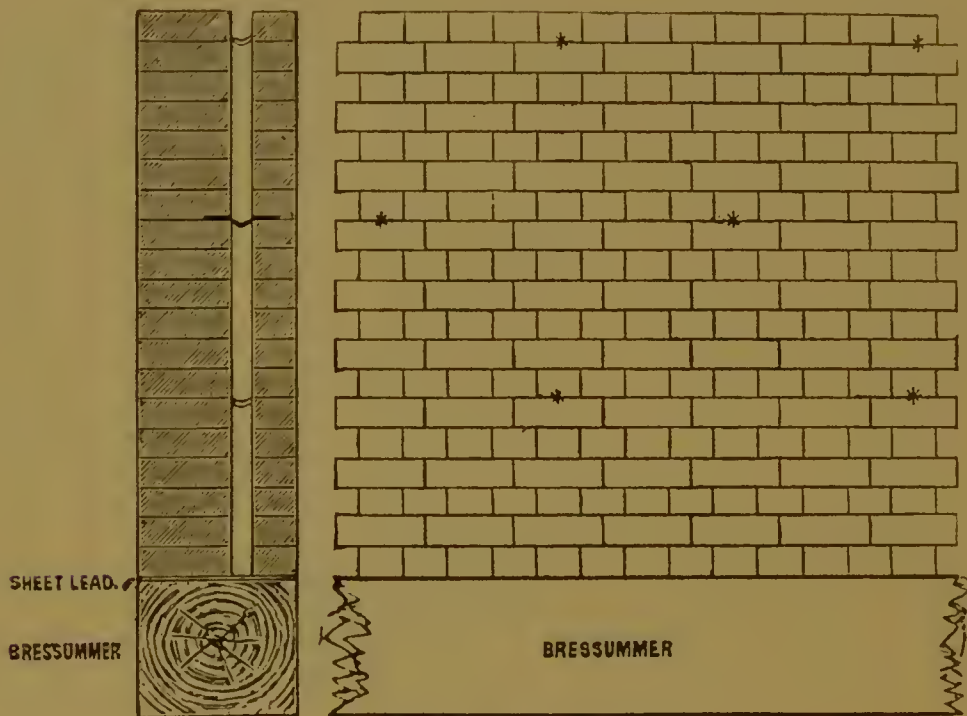


DIAGRAM No. III.

stone, or other hard and incombustible materials properly bonded and solidly put together—

- (a) With good mortar, compounded of good lime and clean sharp sand or other suitable material ; or
- (b) With good cement ; or
- (c) With good cement mixed with clean sharp sand.

Provided always :

(a.) That where a new building intended for use as a dwelling-house shall be distant not less than *fifteen feet* from any adjoining building not being in the same curtilage, the person erecting such new building may construct its external walls of timber-framing and in accordance with the following regulations, that is to say :

(i.) The timber-framing shall be properly put together, and the spaces between the timbers shall be filled in completely with brickwork.

(ii.) A thickness of at least *four and a half inches* of brickwork shall be placed at the back of every portion of timber, and shall be properly bonded to the brickwork filling the spaces between the timbers.

(b.) Where a new building forms or is intended to form part of a block of new buildings which shall be intended for use as dwelling-houses, and shall not exceed three in number, and each of which shall be distant not less than *fifteen feet* from any adjoining building, not being in the same curtilage and not forming part of the same block, the person erecting such new building may construct its external walls of timber-framing, subject to compliance with the following conditions, that is to say :

(i.) The several buildings shall be separated by party walls, each of which shall be constructed in accordance with the requirements of the byelaws in that behalf, and shall project at least *one inch* in front of any timber-framing in any adjoining external wall.

(ii) The timber-framing shall be properly put together, and the spaces between the timbers shall be filled in completely with brickwork.

(iii.) A thickness of at least *four and a half inches* of brickwork shall be placed at the back of every portion of timber, and shall be properly bonded to the brickwork filling the spaces between the timbers.

11B. Every person who shall erect a new building shall, except in such cases as are herein-after specified, cause such building to be enclosed with walls constructed of good bricks, stone, or other hard and incombustible materials, properly bonded and solidly put together— Tile-hung walls.

(a.) With good mortar compounded of good lime and clean sharp sand or other suitable material ; or

(b.) With good cement ; or

(c.) With good cement mixed with clean sharp sand.

Provided always :

That where a new building which comprises two or more storeys forms, or is intended to form, part of a block of new

buildings which shall be intended for use as dwelling-houses, and shall not exceed two in number, and each of which shall be distant not less than *fifteen feet* from any other building, not being in the same curtilage and not forming part of the same block, the person erecting such new building may construct the external walls of the topmost two storeys, whether wholly or partly in the roof or not, of timber framing covered with tiles, subject to compliance with the following conditions that is to say :—

(i.) The timber framing shall be properly put together with sufficient braces, ties, plates, sills, and the spaces between the timbers shall be filled in completely with a thickness of at least *four and a half inches* of brickwork.

(ii.) So much of any external wall as is below that portion which may be of timber-framing covered with tiles shall be constructed of the same thickness and in other respects subject to the same conditions as would be applicable if the wall had been constructed throughout its whole height of good bricks, stone, or other hard and incombustible materials.

(iii.) The party wall separating the two buildings shall be carried out at least to the external face of any timber-framing in any adjoining external return wall.

Materials
for cross
walls.

12. Every person who shall erect a new building shall construct every cross wall which, in pursuance of the byelaw in that behalf, may, as a return wall, be deemed the means of determining the length of any external wall or party wall of such building, of good bricks, stone, or other hard and incombustible materials properly bonded and solidly put together :—

(a.) With good mortar compounded of good lime and clean sharp sand, or other suitable material ; or

(b.) With good cement ; or

(c.) With good cement mixed with clean sharp sand.

NOTE.—This clause is similar in its objects and requirements to the preceding clause, No. 11, but it applies to those internal cross walls, which, as return walls, serve in determining the length of any external wall or party wall. [See clause No. 18 (iii).] Further explanation as to the reason for regulating the construction of cross walls is given in the Notes to clauses Nos. 18 and 21.

Walls to be
true and
plumb.

13. A person who shall erect a new building shall not construct any wall of such building so that any part of such wall, not being

a projection intended solely for the purposes of architectural ornament, or a properly constructed corbel, shall overhang any part beneath it.

NOTE.—The object of this clause is to prevent the construction, carelessly or otherwise, of a wall out of the perpendicular or with an undue or improperly formed projection. It does not relate, as sometimes supposed, to the construction of balconies, inasmuch as such structures cannot form the subject of a byelaw under the 157th section of the Public Health Act, 1875. Perhaps the latter part of the clause might with advantage be altered as follows:—"not being a part properly corbelled out, or a projection intended solely for the purposes of architectural ornament, shall overhang any part beneath it."

14. Every person who shall erect a new building shall cause every wall of such building which may be built at an angle with another wall to be properly bonded therewith.

Return walls to be bonded together.

NOTE.—This clause is a valuable one, as requiring all return walls to be properly attached to the walls with which they are connected so that the latter shall have the utmost advantage of the lateral support afforded by the return wall. As to "return walls," see Note to clause No. 18.

15. Every person who shall erect a new building shall construct every wall of such building so as to rest on proper footings.

Footings to walls.

He shall cause the projection at the widest part of the footings of every wall, on each side of such wall to be at least equal to *one-half* of the thickness of such wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where that wall adjoins.

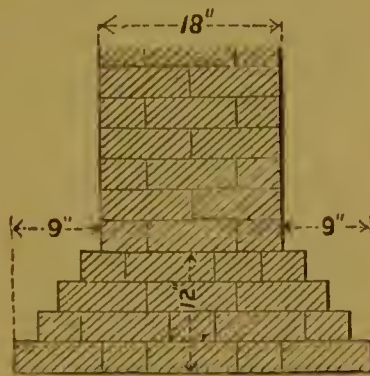


DIAGRAM No. IV.

He shall also cause the diminution of the footings to be in regular offsets, or in one offset at the top of the footings, and he shall cause the height from the bottom of the footings to the base of the wall to be at least equal to *two-thirds* of the thickness of the wall at its base.

NOTE.—The requirements of this clause relate to stability, the object being to secure a spreading bottom for a wall to rest upon. The first paragraph prescribes that every wall is to have proper footings; the second paragraphs specifies the width of the footings; and the third paragraph states how the footings are to be arranged, and what height they are to be in proportion to the thickness of the wall. See Diagram No. IV. There are but few soils in which properly constructed footings to walls can safely be dispensed with—indeed, wherever the walls would not rest upon solid rock it would be inexpedient to omit them.

In the second paragraph the projection of the footing is permitted to be dispensed with where an adjoining wall would prevent it from being formed, a circumstance which would render the provision of a projecting footing at that point far less necessary than if there were no adjoining wall.

Founda-
tion of
walls.

16. Every person who shall erect a new building shall cause the footings of every wall of such building to rest on the solid ground, or upon a sufficient thickness of good concrete, or upon some solid and sufficient sub-structure, as a foundation.

NOTE.—In districts where the subsoil is clay, marl, sand, or other such material it would be desirable to omit the words “on the solid ground, or” in the third line of the clause; but of course, where the solid ground is a hard rock, it would be unnecessary to require concrete to be put under the walls. The “solid and sufficient sub-structure” has reference to the use of old walls, girders, columns, and the like.

Damp-
course in
wall.

17. Every person who shall erect a new building shall cause every wall of such building to have a proper damp course of sheet lead, asphalte, or slates laid in cement, or of other durable material impervious to moisture, beneath the level of the lowest timbers, and at a height of not less than *six inches* above the surface of the ground adjoining such wall.

NOTE.—There are important reasons why this clause should be strictly complied with (see Diagram No. V.). Experiments have shown that one rod of brickwork when immersed can, when the bricks are dry, absorb 40,000 oz. of water, and in a like measurement of brickwork 27,000 oz. of water can evaporate from the mortar. It has been urged that, where a building has a basement storey, and an area cannot be formed outside to keep the ground away from the wall, the clause should require the outside of the wall to have a coating of impervious material. To this, however, it is held, there is legal objection, as such coating would form no part of the structure of the wall itself (as to which alone the clause must be restricted), and therefore it has been attempted to so frame a proviso (see below) to the clause as to require that when the walls of a lowest storey are below the level of the ground and the ground is actually in contact with them, there should be two damp-courses in the positions shown in Diagram No. VI., and the wall between them should be built as a double wall with a cavity in the middle. As an additional precaution the cavity so formed might be required to be filled in with asphalte; otherwise it might, in some instances, become necessary to make provision for draining and ventilating the cavity. Diagram No. VII. shows how the damp-course should be arranged where, as in the case of shops, for example, it is desired to keep the floor at about the same level as the ground outside.

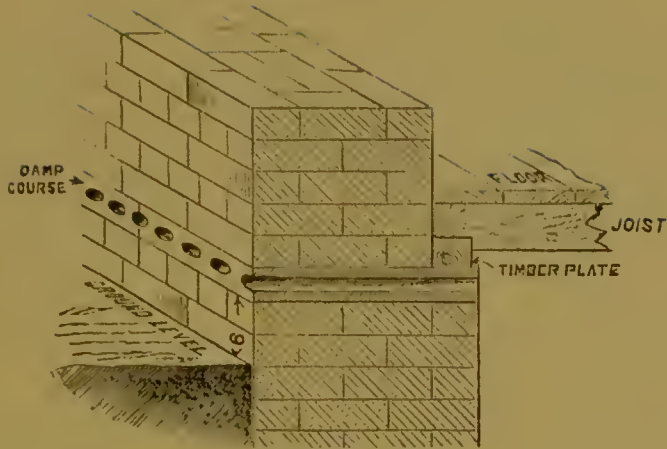


DIAGRAM No. V.

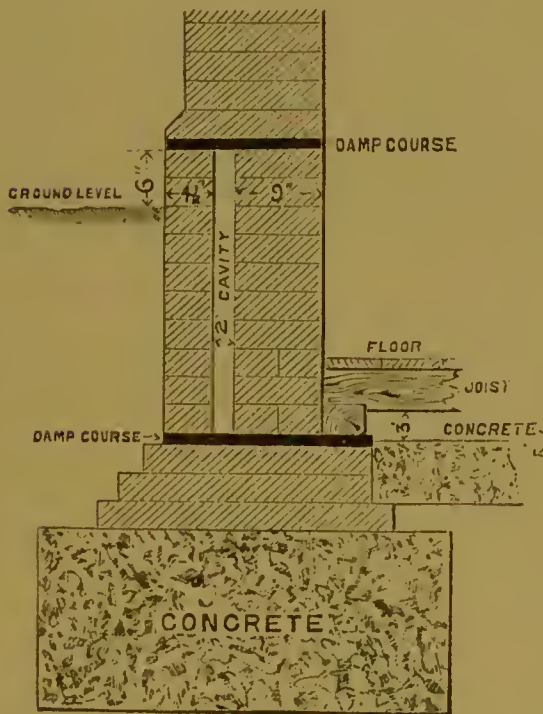


DIAGRAM No. VI.

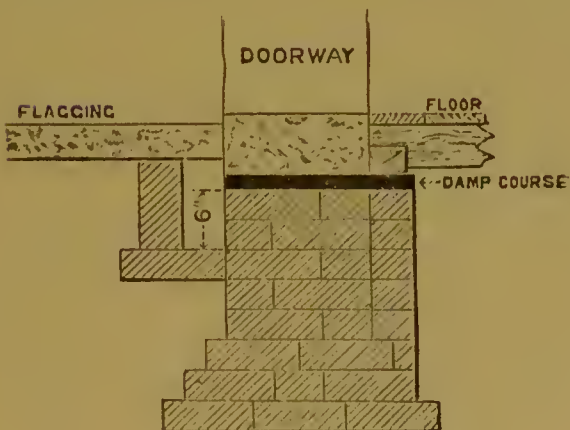


DIAGRAM No. VII.

Provided always, that where any part of a floor of the lowest storey of such building shall be intended to be below the level of the surface of the ground immediately adjoining the exterior of such storey, and so that the ground shall be in contact with the exterior of such wall, he shall cause such storey to be enclosed with double walls, having an intervening cavity between such walls, of a width of *two and a half inches*, and extending from the base of such walls to a height of *six inches* above the surface of the ground immediately adjoining the exterior of such storey.

He shall cause such walls to be properly tied together with suitable and sufficient ties of iron, tarred and sanded, galvanized iron, vitrified stoneware, or other suitable material, inserted at distances apart not exceeding *three feet* horizontally and *eighteen inches* vertically. He shall also cause a proper damp-course of sheet lead, asphalte, or slates laid in cement, or of other durable material impervious to moisture, to be inserted in every such double wall at the base of such wall and likewise at the level of the top of the cavity.

Mode of
measure-
ment.

18. For the purposes of the byelaws with respect to the structure of walls of new buildings, the measurement of height of storeys and of height and length of walls shall be determined by the following rules:—

Heights of
storeys.

(i.) The heights of storeys shall be measured as follows:—

(a.) The height of a topmost storey shall be measured from the level of the upper surface of the floor up to the level of the under side of the tie of the roof or other covering, or if there is no tie then up to the level of half the vertical height of the rafters or other support of the roof:

(b.) The height of every storey, other than a topmost storey, shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.

Height of
walls.

(ii.) The height of a wall shall be measured from the top of the footings to the highest part of the wall, or in the case of a gable, to half the height of the gable.

Length of
walls.

(iii.) Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party walls, or cross walls, of the thickness prescribed by the byelaws, and are bonded into the walls so deemed to be divided.

A wall shall not, for the purpose of this rule, be deemed a cross wall unless it is carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces, or elevations of all the recesses and that of all the openings therein, taken together, shall not exceed *one-half* of the whole extent of the vertical face or elevation of the wall in such storey.

Walls
when
deemed
cross walls.

NOTE.—This clause is essential for the prevention of dispute as to how the height of a storey and of a wall, and how the length of a wall shall be measured in order to apply the clauses regulating the thickness for walls of new buildings.

In sub-section (*b.*) it will be observed that the height of a storey, other than a topmost storey, is to be measured, not from floor to ceiling, but from the floor to the level of the floor above, thus including the thickness of a floor. This mode of measurement is rendered necessary in order that the clauses (Nos. 19 and 20) determining the requisite thicknesses for external walls and party walls in the several storeys of a building may be applied continuously throughout the entire height of the wall.

In clauses Nos. 19 and 20 it will be seen that the thickness for the external walls and the party walls of any new building is regulated (1) according to their height, and (2) according to their length. Inasmuch as the stability of a wall depends not only on its height, but on the lateral support it may receive from other walls attached to it, at an angle (the degree of which, if desired, may be defined), and usually called “return” walls, it has been deemed expedient to prescribe that the length of a wall shall be measured from one return wall to another return wall. But such return walls must obviously be walls of a specified and definite character. Hence none but external walls, party walls, and cross walls of the prescribed construction and thickness can be regarded as suitable to afford the proper lateral support at the ends of any definite length of wall. The prescribed construction and thicknesses for these three classes of walls will be found in clauses Nos. 11, 12, 19, 20, and 21. (Further explanation as to the reasons for regulating the construction of cross walls is given in the Note to clause No. 21.)

19. Every person who shall erect a new domestic building shall construct every external wall and every party wall of such building in accordance with the following rules, and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone, or other blocks of hard and incombustible substance, the beds or courses being horizontal.

Thickness
for walls of
domestic
buildings.

(*a.*) Where the wall does not exceed *twenty-five feet* in height its thickness shall be as follows:—

Height
up to
25 feet.

If the wall does not exceed *thirty feet* in length, and does not comprise more than two storeys, it shall be *nine inches* thick for its whole height:

If the wall exceeds *thirty feet* in length, or comprises more than two storeys, it shall be *thirteen and a half*

inches thick below the topmost storey, and *nine inches* thick for the rest of its height :

Height up to 30 feet. (b.) Where the wall exceeds *twenty-five feet* but does not exceed *thirty feet* in height it shall be *thirteen and a half inches* thick below the topmost storey, and *nine inches* thick for the rest of its height.

Height up to 40 feet. (c.) Where the wall exceeds *thirty feet* but does not exceed *forty feet* in height its thickness shall be as follows :—

If the wall does not exceed *thirty-five feet* in length it shall be *thirteen and a half inches* thick below the topmost storey, and *nine inches* thick for the rest of its height :

If the wall exceeds *thirty-five feet* in length it shall be *eighteen inches* thick for the height of one storey, then *thirteen and a half inches* thick for the rest of its height below the topmost storey, and *nine inches* thick for the rest of its height :

Height up to 50 feet. (d.) Where the wall exceeds *forty feet* but does not exceed *fifty feet* in height its thickness shall be as follows :—

If the wall does not exceed *thirty feet* in length it shall be *eighteen inches* thick for the height of one storey, then *thirteen and a half inches* thick for the rest of its height below the topmost storey, and *nine inches* thick for the rest of its height :

If the wall exceeds *thirty feet* but does not exceed *forty-five feet* in length it shall be *eighteen inches* thick for the height of two storeys, then *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next storey, and then *thirteen and a half inches* thick for the rest of its height.

Height up to 60 feet. (e.) Where the wall exceeds *fifty feet* but does not exceed *sixty feet* in height its thickness shall be as follows :—

If the wall does not exceed *forty-five feet* in length it shall be *eighteen inches* thick for the height of two storeys and *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then

then *eighteen inches* thick for the height of the next two storeys, and then *thirteen and a half inches* thick for the rest of its height :

(f.) Where the wall exceeds *sixty feet* but does not exceed *seventy feet* in height its thickness shall be as follows :— Height
up to
70 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next two storeys, and then *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(g.) Where the wall exceeds *seventy feet* but does not exceed *eighty feet* in height its thickness shall be as follows :— Height
up to
80 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next three storeys, and *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(h.) Where the wall exceeds *eighty feet* but does not exceed *ninety feet* in height its thickness shall be as follows :— Height
up to
90 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick for the height of one storey, then *twenty-two inches* thick for the height of the next storey, then *eighteen inches* thick for the height of the next three storeys, and then *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height
up to
100 feet.

(i.) Where the wall exceeds *ninety feet* but does not exceed *one hundred feet* in height its thickness shall be as follows :—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick for the height of one storey, then *twenty-two inches* thick for the height of the next two storeys, then *eighteen inches* thick for the height of the next three storeys, and then *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys, by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(j.) If any storey exceeds in height *sixteen* times the thickness prescribed for its walls, the thickness of each external wall and of each party wall throughout that storey shall be increased to *one sixteenth* part of the height of the storey, and the thickness of each external wall and of each party wall below that storey shall be proportionately increased (subject to the provision herein-after contained respecting distribution in piers).

(k.) Every external wall and every party wall of any storey which exceeds *ten feet* in height shall be not less than *thirteen and a half inches* in thickness.

(l.) Where by any of the foregoing rules relating to the thickness of external walls and party walls of domestic buildings an increase of thickness is required in the case of a wall exceeding *sixty feet* in height and *forty-five feet* in length, or in the case of a storey exceeding in height *sixteen* times the thickness prescribed for its walls, or in the case of a wall below that storey, the increased thickness may be confined to piers properly distributed, of which the collective widths amount to *one-fourth* part of the length of the wall. The width of the piers may nevertheless be reduced if the projection is proportionately increased, the horizontal sectional area not being diminished ; but the projection of any such pier shall in no case exceed *one-third* of its width.

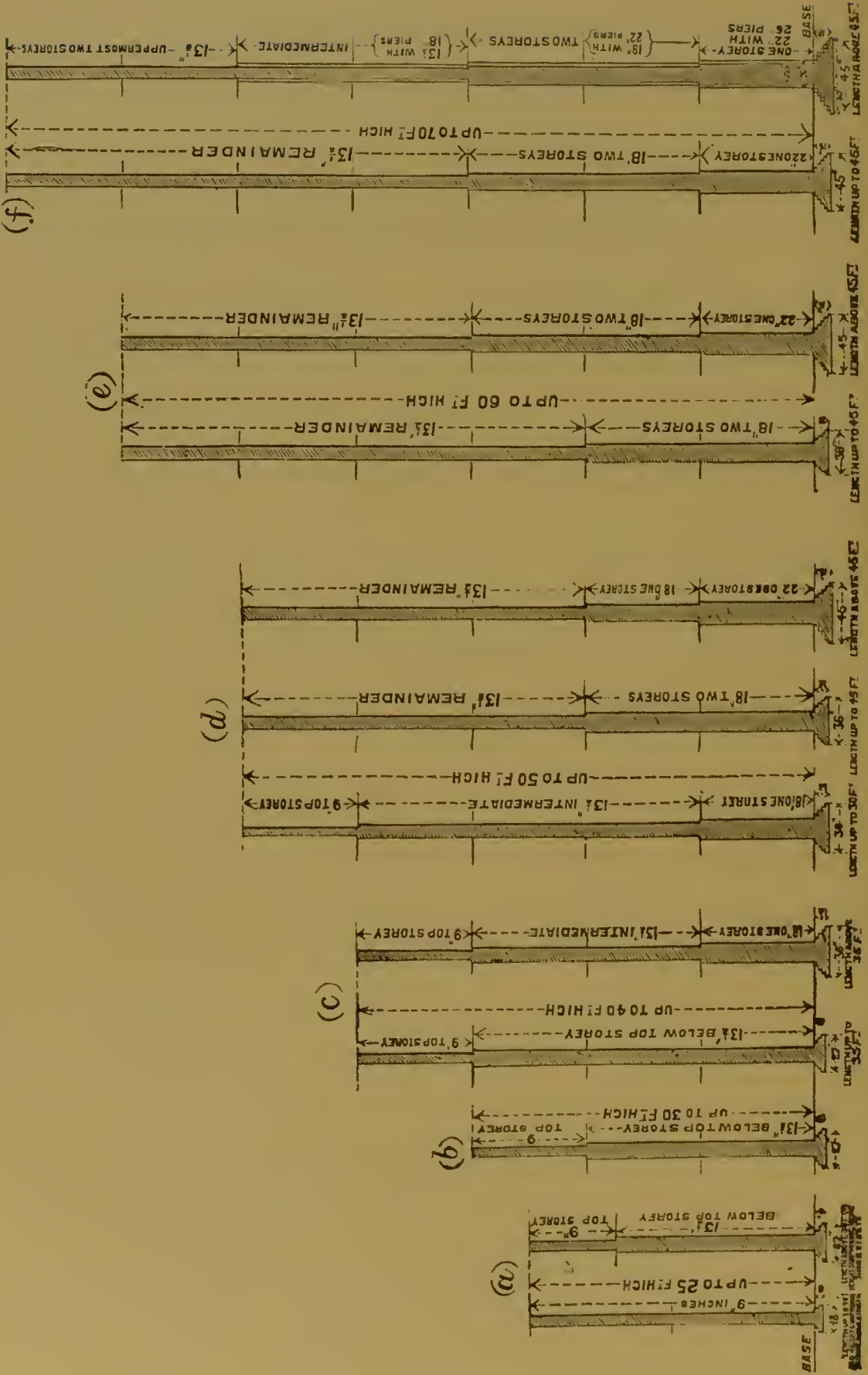
NOTE.—The thicknesses prescribed in this clause are applicable to the external walls and the party walls of domestic buildings, and would accordingly apply to ordinary dwelling-houses. They are the least thicknesses that, in the several instances, can properly be regarded as sufficient to secure a due amount of stability and, at the same time, to preserve the interior of the house from

effects of the weather, though, in order to secure this with any degree of certainty, some increase on the smallest prescribed thickness would in most localities, be necessary. In order to curtail the length of this clause, it is sometimes proposed to omit that part of it which relates to buildings above a certain height on the supposition that houses of the great heights there mentioned are not likely to be erected in the district. This, however, is not altogether wise, inasmuch as should any building of a height greater than such as may be mentioned in the bylaws be proposed to be erected in the district, the Local Authority would be wholly unable to exercise any control over the thickness of the walls of such building. In the event, however, of the prescribed thicknesses for walls of greater heights being omitted, it is necessary to point out that sub-sections (*j.*), (*k.*), and (*l.*) should still be retained, though a slight modification may be requisite in (*l.*) if the sub-sections relating to walls exceeding *sixty feet* in height are omitted.

It will be seen that, by the first paragraph, the clause relates exclusively to external walls and party walls constructed of bricks of the usual size, or of suitable stone or other blocks of suitable material, the beds being horizontal. A subsequent clause (No. 22) deals with walls in which the courses are not horizontal, or which are formed of materials other than bricks.

In sub-section (*k.*), having regard to the method, prescribed in clause No. 18 (*b.*), of measuring the height of a storey, "*eleven*" is sometimes substituted for "*ten*."

Sub-section (*l.*) has reference to the parenthetical sentence in the latter part of sub-sections (*f.*), (*g.*), (*h.*), (*i.*), and (*j.*). Diagram Nos. VIII. and IX. will serve to illustrate the requirements of this clause, but the several sets-off are not required by the byelaw to be on both sides of the wall, as shown in the diagrams; they may, if desired, be on one side only of the wall.



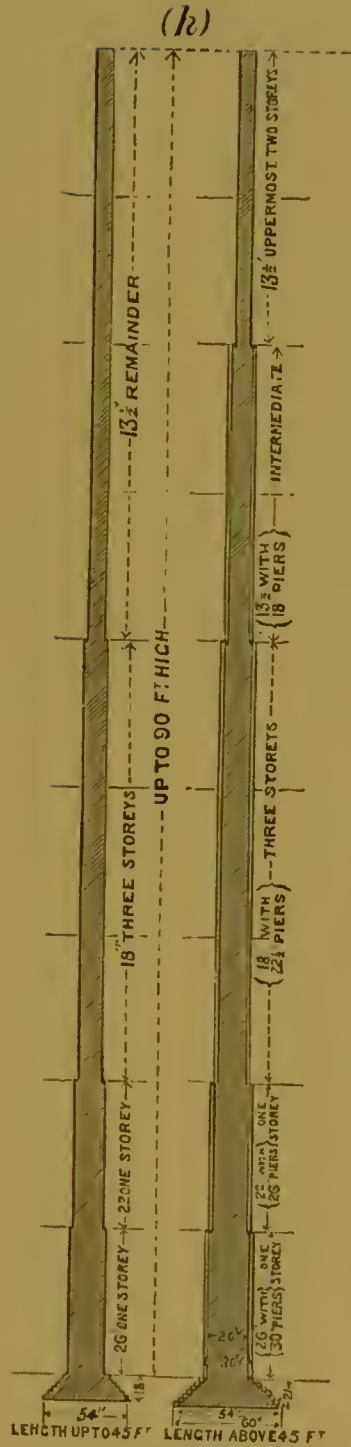
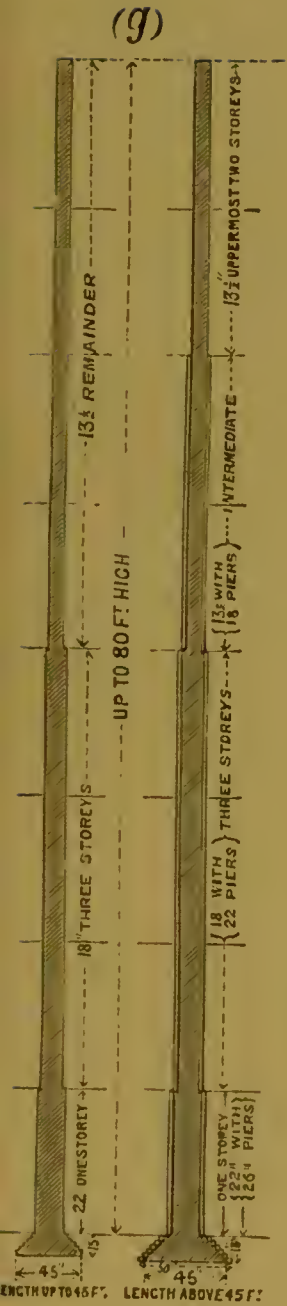
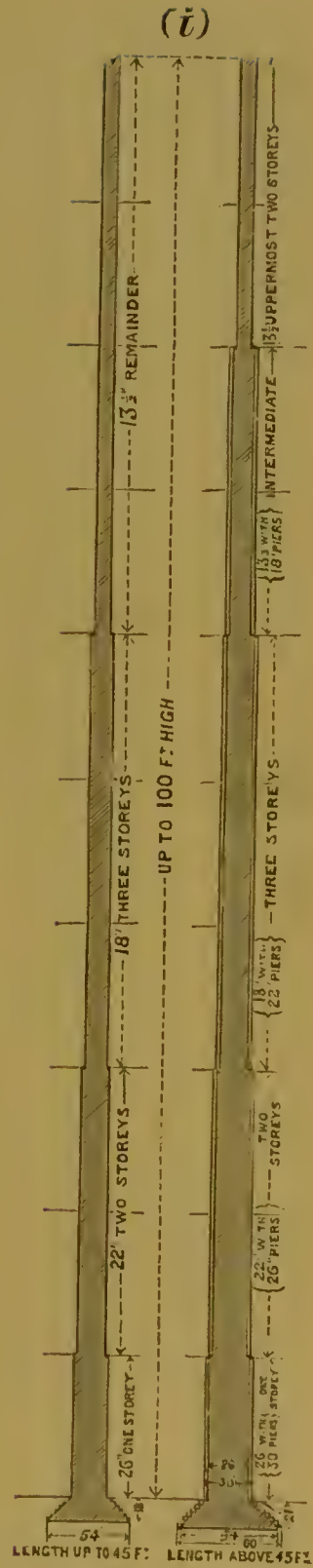


DIAGRAM No. 1X.



Thickness
for walls
of public
buildings
and of
buildings
of the
warehouse
class.

20. Every person who shall erect a new public building or a new building of the warehouse class shall construct every external wall and every party wall of such building in accordance with the following rules ; and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal.

Height up to 25 feet. (a.) Where the wall does not exceed *twenty-five feet* in height (whatever is its length) it shall be *thirteen and a half inches* at its base.

Height up to 30 feet. (b.) Where the walls exceeds *twenty-five feet* but does not exceed *thirty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *forty-five feet* in length it shall be *thirteen and a half inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be *eighteen inches* thick at its base.

Height up to 40 feet. (c.) Where the wall exceeds *thirty feet* but does not exceed *forty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *thirty-five feet* in length it shall be *thirteen and a half inches* thick at its base :

If the wall exceeds *thirty-five feet* but does not exceed *forty-five feet* in length it shall be *eighteen inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be *twenty-two inches* thick at its base :

Height up to 50 feet. (d.) Where the wall exceeds *forty feet* but does not exceed *fifty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *thirty feet* in length it shall be *eighteen inches* thick at its base :

If the wall exceeds *thirty feet* but does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be *twenty-six inches* thick at its base :

Height up to 60 feet. (e.) Where the wall exceeds *fifty feet* but does not exceed *sixty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be *twenty-six inches* thick at its base.

(f.) Where the wall exceeds *sixty feet* but does not exceed *seventy feet* in height it shall be at its base of the thickness following :—

Height
up to
70 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision of herein-after contained respecting distribution in piers).

(g.) Where the wall exceeds *seventy feet* but does not exceed *eighty feet* in height it shall be at its base of the thickness following :—

Height
up to
80 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(h.) Where the wall exceeds *eighty feet* but does not exceed *ninety feet* in height it shall be at its base of the thickness following :

Height
up to
90 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(i.) Where the wall exceeds *ninety feet* but does not exceed *one hundred feet* in height it shall be at its base of the thickness following :—

Height
up to
100 feet.

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(j.) The thickness of the wall at the top, and for *sixteen feet* below the top, shall be *thirteen and a half inches*, and the intermediate parts of the wall between the base and *sixteen feet* below the top shall be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at *sixteen feet* below the top. Nevertheless, in walls not exceeding *thirty feet* in height the walls of the topmost storey may be *nine inches* thick, provided the height of that storey does not exceed *ten feet*.

(k.) If any storey exceeds in height *fourteen* times the thickness prescribed for its walls the thickness of each external wall and of each party wall throughout that storey shall be increased to *one-fourteenth* part of the height of the storey, and the thickness of each external wall and of each party wall below that storey shall be proportionately increased (subject to the provision hereinafter contained respecting distribution in piers).

(l.) Every external wall and every party wall of any storey which exceeds *ten feet* in height shall be not less than *thirteen and a half inches* in thickness.

(m.) Where by any of the foregoing rules relating to the thickness of external walls and party walls of public buildings or buildings of the warehouse class an increase of thickness is required in the case of a wall exceeding *sixty feet* in height and *forty-five feet* in length, or in the case of a storey exceeding in height *fourteen* times the thickness prescribed for its walls, or in the case of a wall below that storey, the increased thickness may be confined to piers properly distributed, of which the collective widths amount to *one-fourth* part of the length of the wall. The width of the piers may nevertheless be reduced if the projection is proportionately increased, the horizontal sectional area not being diminished; but the projection of any such pier shall in no case exceed *one-third* of its width.

NOTE.—This clause regulates the thickness of the external walls and the party walls of buildings of the warehouse class and of public buildings, for all of which a greater thickness is necessary than is specified in the case of dwelling-houses.

It will be observed that the sub-sections (*a.*) to (*i.*) inclusive, prescribe the requisite thickness at the base of the wall according to its height and length, and that sub-section (*j.*) prescribes the permissible diminution of the thickness above the base of the wall; hence, even if some of the sub sections relating to the greater heights are omitted, for the sake of brevity, a course that is not very expedient, sub-section (*j.*) would still be necessary to make the rest of the clause applicable. Sub-sections (*k.*), (*l.*), and (*m.*) should also be retained, and are subject to similar remarks to those made on the corresponding sub-sections in the preceding clause, but, bearing in mind the prescribed method of measuring the height of a storey (see clause No. 18) the limitation of height of storey in sub-sections (*j.*) and (*l.*) may be extended to eleven feet instead of only ten feet, as printed. Diagrams Nos. X. and XI. will serve to illustrate the requirements of this clause, but it may be well to explain that the sets-off are not required by the byelaw to be on both sides of the wall, as shown in these diagrams; they may, if desired, be on one side only of the wall.

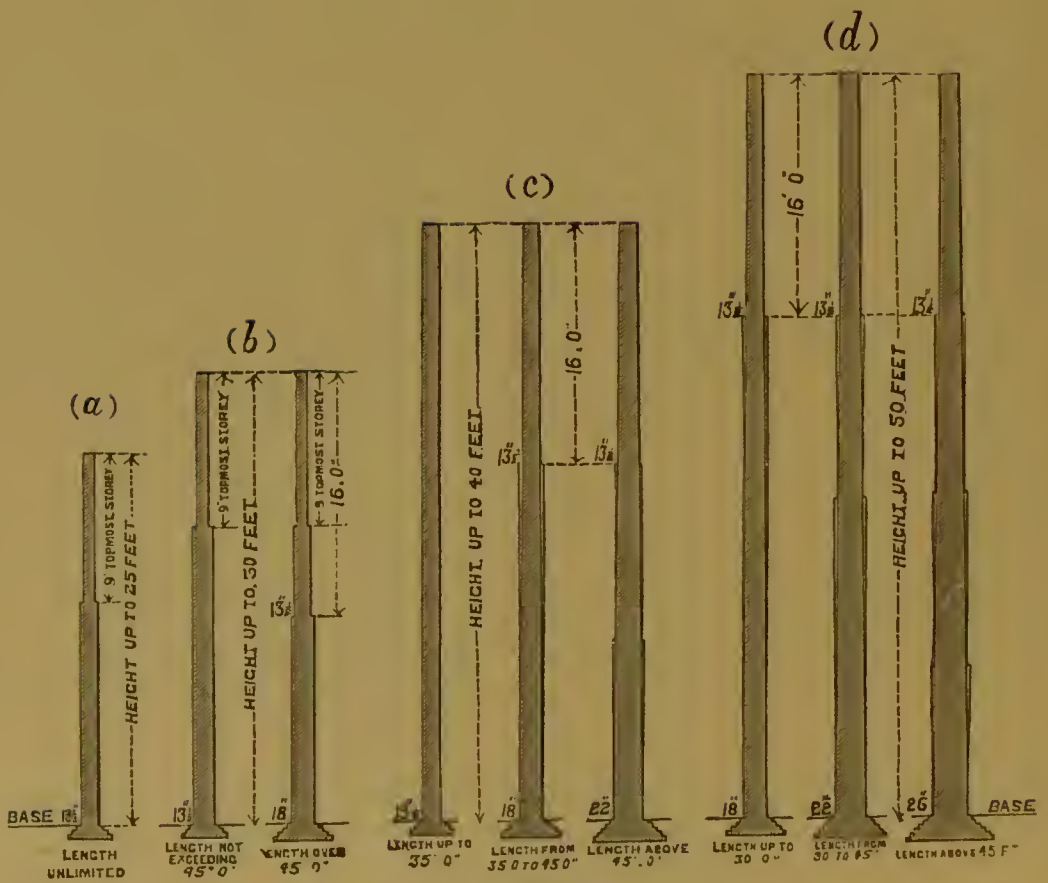


DIAGRAM No. X.

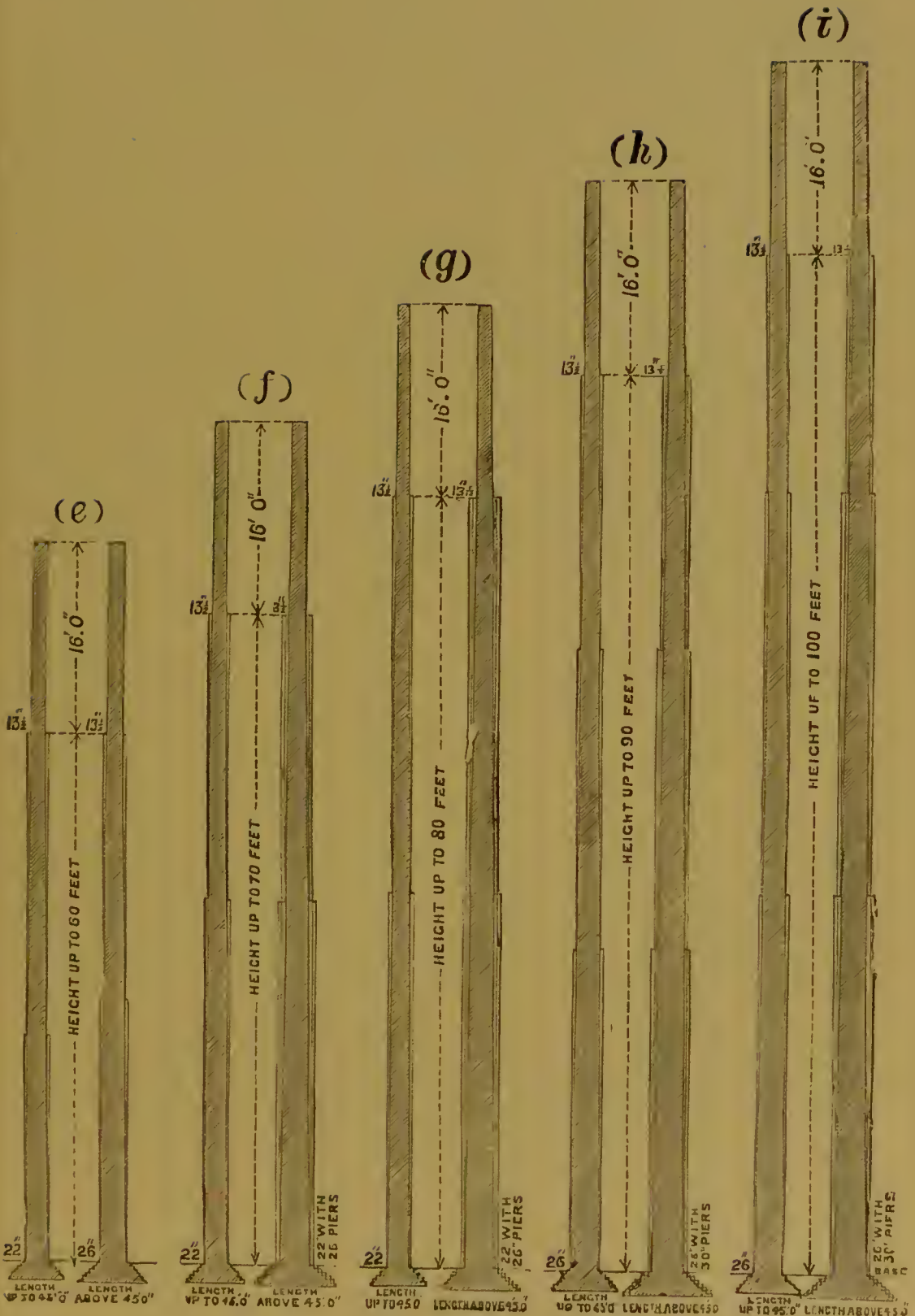


DIAGRAM No. XI.

Thickness
for cross
walls.

21. Every person who shall erect a new building shall construct, in accordance with the following rules, every cross wall which, in pursuance of the byelaw in that behalf, may, as a return wall, be deemed a means of determining the length of any external wall or party wall of such building; and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed; and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal:—

The thickness of every such cross wall shall be at least *two-thirds* of the thickness prescribed by the byelaw in that behalf for an external wall or party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs, but shall in no case be less than *nine inches*:—

But if such cross wall supports a superincumbent external wall the whole of such cross wall shall be of the thickness prescribed by the byelaw in that behalf for an external wall or a party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs.

NOTE.—This clause is a very necessary one in the interests of builders. It is to be observed that it does not prescribe a thickness for all the internal divisions separating one room from another in the same house. Such divisions are wholly unregulated, and may be so constructed as to be, in fact, no “walls” at all, but merely partitions of timber-framing covered with lath-and-plaster, or boarding, and so forth. This clause deals only with those cross walls in a new building which, as described in clause No. 18 (iii.), are used in determining the length of any external wall or any party wall, and upon which the stability of such external and party wall in part depends. If reference to such cross walls as are here described be omitted from the byelaws, the length of external walls and party walls would have to be measured from other return external or party walls, thereby sometimes passing by a cross wall, and thus necessitating a greater thickness in the external or party wall than would be requisite if its length were measured the shorter distance to the centre of the cross wall.

Walls
built of
materials
other than
bricks.

22. Every person who shall erect a new building and shall construct any external wall, party wall, or cross wall of such building of any material other than good bricks, not less than *nine inches* long, or suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal, shall comply with the following rules with respect to the thickness of such wall:—

(a.) Where a wall is built of stone or of clunches of bricks, or other burnt or vitrified material, the bed or courses not being

horizontal, its thickness shall be *one-third* greater than that prescribed by the byelaw in that behalf for a wall built of bricks, but in other respects of the same description, height, and length, and belonging to the same class of building :

(*b.*) A wall built of other suitable material shall be deemed to be of sufficient thickness if constructed of the thickness prescribed by the byelaw in that behalf for a wall built of bricks, but in other respects of the same description, height, and length, and belonging to the same class of building.

NOTE.—It will be observed that the three preceding clauses (Nos. 19, 20, and 21) relate only to walls constructed of brickwork or masonry. This is done, not only because it is the most usual form of construction, but because it affords the most convenient means of determining the requisite thickness. Since other materials, however, such as masonry in combination with brickwork, or rubble work with random courses, &c., are frequently used, this clause deals with the thickness of walls so constructed according to the materials used. In some districts, where flint work is used in wall construction, a greater thickness is needed than for ordinary brickwork, and accordingly it will be necessary to insert the words “or of flintwork” in paragraph (*a.*) after the word “horizontal.” If, however, a combination of flintwork and brickwork be used, no increase of thickness is needed, and, in that case, paragraph (*b.*) should be altered as follows:—

A wall built of brickwork and flintwork in which the proportion of brickwork is equal to at least *one-fifth* of the entire contents of the wall, and is properly distributed in piers and horizontal courses, or of other suitable material not specifically mentioned in this byelaw, shall be deemed * * * *

And further, if half-timber work is in common use, and consequently where clause No. 11A (*ante*, p. 84) is adopted, the words “or of half-timber work” should be inserted in paragraph (*b.*) after the word “material.” If, again, half-timber work, as well as flintwork, is in use in the district, the words “or of half-timber work,” may be inserted after the above suggested words “piers and horizontal courses.” So, too, where clause No. 11B, permitting tile-hung external walls is adopted, it will be necessary to add the following proviso:—

Provided always, that this byelaw shall not be deemed to apply to any part of an external wall of a new building which may, in accordance with the provisions of the byelaw in that behalf, be constructed of timber-framing covered with tiles.

23. Every person who shall erect a new building and shall leave in any storey or storeys of such building an extent of opening in any external wall which shall be greater than *one-half* of the whole extent of the vertical face or elevation of the

Openings
in external
walls.

wall or walls of the storey or storeys in which the opening is left shall construct—

(a.) Sufficient piers of brickwork or other sufficient supports of incombustible material so disposed as to carry the superstructure ; and

(b.) A sufficient pier or piers or other sufficient supports of that description at the corner or angle of any street on which the building abuts ; or

(c.) Such a pier or other support in each wall within *three feet* of the corner or angle of the street.

NOTE.—This clause is intended to regulate the formation of openings in external walls of new buildings, such as for bay-windows, shop-windows, and the like, in order to ensure a due amount of support for the superincumbent wall. It will be observed that it applies only to openings of more than ordinary breadth, and that sub-section (a.) relates to such openings as are within the length of a single wall, while sub-sections (b.) and (c.) relate to openings extending up to the angle formed by two return walls—at the corner of a street, for example,—and prescribe two alternative methods of supporting the superstructure as shown in Diagram No. XII.

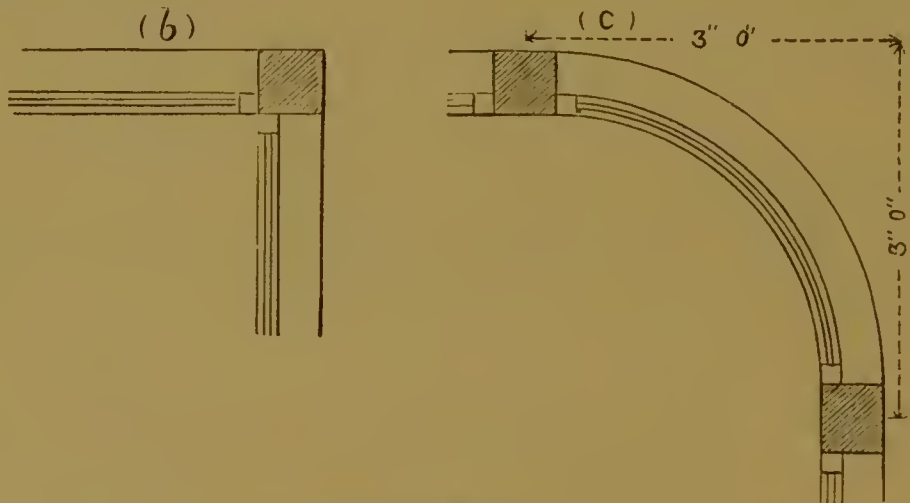


DIAGRAM No. XII.

Wood-
work in
external
walls.

24. Every person who shall erect a new building of the warehouse class shall cause every loophole frame of wood, that is to say, every framework of wood surrounding any door or window opening in any storey of such building for the reception or delivery of goods, to be fixed at a distance of *one inch and a half* from the face of any external wall.

Subject to the foregoing provision, every person who shall erect a new building shall cause all woodwork in any external wall of such building (except any bressummer, or any storey post under a bressummer, and any frame of a door or window of a shop) to be set back in reveals *four inches* at least from the outer face of such wall.

NOTE.—The object of this clause is to require window frames, &c., to be set back from the outer face of any external wall of a new building in order that, in the event of fire, the burning of the woodwork referred to shall be less dangerous to adjacent property and less liable to interfere, by falling out or otherwise, with persons outside the building. For convenience of business, woodwork about any shop-front is exempted from the operation of the clause, and in the case of buildings of the warehouse class, doors for the ingress or egress of merchandise are allowed to be nearly flush with the outer face of the wall.

Of course, if the byelaws permit of the construction of half-timber buildings (see Note to clause No. 11), it will be necessary to exempt from the operation of this clause *any timber-framing which in pursuance of the provisions of the byelaw in that behalf may form part of any external wall of such building*; and, in that case, those words are usually inserted after the word “shop” in the parenthesis in the second paragraph of the clause.

25. Every person who shall erect a new building shall cause such part of any external wall of such building as is within a distance of *fifteen feet* from any other building to be carried up so as to form a parapet *one foot* at least above the highest part of any roof or gutter which adjoins such part of such external wall, and he shall cause the thickness of the parapet so carried up to be at least *nine inches* throughout.

Parapets
to external
walls of
certain
buildings.

NOTE.—This clause relates to the prevention of the spread of fire from one burning building to another adjacent detached building. Thus when, for example, a row of detached or semi-detached villa residences is built, and the distance in the intervals between them is less than *fifteen feet*, the clause would prohibit the eaves of the roofs from projecting beyond the adjacent sides of the houses, as shown in Diagram No. XIII., and would require the adjacent external side walls



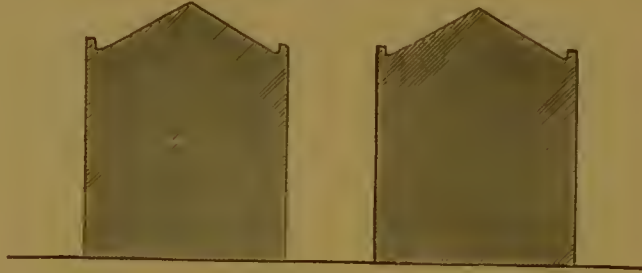
ELEVATION OF DETACHED HOUSES *more* THAN
15 FEET DISTANT FROM EACH OTHER.

DIAGRAM No. XIII.

to be carried up so as to form parapet walls as indicated in Diagram No. XIV. In many districts, however, it has been deemed advisable to modify the clause so as to apply only to buildings of somewhat large size, and to exempt small dwelling-houses as to which, in the event of a fire occurring, it could not be of a very dangerous extent. The limit of size for the purpose, of this exemption is usually one of height. With a view of giving effect to this, the following modification of this clause is sometimes adopted. See clause No. 25A, printed copies of which are supplied on application to the Local Government Board.

Parapets
to external
walls of
certain
buildings.

25A. Every person who shall erect a new public building, a new building of the warehouse class, or a new domestic building which may be intended to be used wholly or partly as a shop or as a place of habitual employment for any person in any manu-



ELEVATION OF DETACHED HOUSES *less* THAN
15 FEET DISTANT FROM EACH OTHER.

DIAGRAM No. XIV.

facture, trade, or business, or which may be intended to be used exclusively as a dwelling-house, and may exceed *thirty feet* in height, shall cause such part of any external wall of such building as is within a distance of *fifteen feet* from any other building to be carried up so as to form a parapet *one foot* at least above the highest part of any roof or gutter which adjoins such part of such external wall, and he shall cause the thickness of the parapet so carried up to be at least *nine inches* throughout.

Parapets
to party
walls.

26. Every person who shall erect a new building shall cause every party wall of such building to be carried *nine inches*, at the least, in thickness :

(i.) Above the roof, flat, or gutter of the highest building adjoining thereto to such height as will give, in the case of a building of the warehouse class or of a public building, a distance of at least *three feet*, and in the case of any other building a distance of at least *fifteen inches*, measured at right angles to the slope of the roof, or above the highest part of any flat or gutter as the case may be :

(ii.) Above any turret, dormer, lantern-light, or other erection of combustible materials fixed on the roof or flat of any building within *four feet* from the party wall, and so as to extend at least *twelve inches* higher and wider on each side than such erection :

(iii.) To a height of *twelve inches* at the least above such part of any roof as is opposite to and within *four feet* from the party wall.

In every case where the eaves of the roof project beyond the face of the building, he shall cause every party wall of such building to be properly corbelled out, in brickwork or stonework, to the full extent of such projection, and to be carried up above

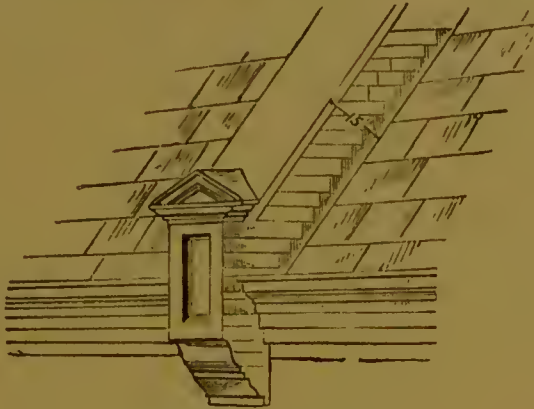


DIAGRAM No. XV.

the projecting eaves, *nine inches* at the least in thickness to such height as will give, in the case of a building of the warehouse class or of a public building, a distance of at least *three feet*, and in the case of any other building a distance of at least *fifteen inches* measured at right angles to the slope of the roof.

NOTE.—This is a most important regulation, and one that has long been in operation in many towns. Its object is to prevent the spread of fire from one burning building to an adjacent attached building separated from the first by a party wall. It requires such party wall to be continued up through and above the roof, so as to form a parapet of a specific height according to the class of building, the parapet being also corbelled out through the projecting eaves, as shown in Diagram No. XV. In the absence of such parapet, if a building is on fire, the flames are blown over the roof of the adjoining house and split the slates, thereby exposing the roof timbers, which at once become ignited, thus increasing the work of destruction. Of course, in the case of a fire occurring in a very small building containing no special store of combustibles, the danger to the adjoining house would be much less than in the case of a large house or warehouse filled with combustible goods. Hence it is not unusual in semi-urban districts to so modify this clause as to exempt from its operation dwelling-houses of less than *thirty feet* in height, but, in that case, it becomes necessary to require every party wall to be properly carried up to the underside of the slates or other covering of the roof.

To meet these circumstances the following modified clause sometimes takes the place of the above one. See clause No. 26A, printed copies of which are supplied on application to the Local Government Board.

If section 109 of the 10 & 11 Vict., c. 34, is in force by reason of its incorporation with a Local Act, neither No. 26 nor No. 26A can be adopted.

26A. Every person who shall erect a new public building, a new building of the warehouse class, or a new domestic building which may be intended to be used wholly or partly as a shop or as a place of habitual employment for any person in any manu-
Parapets to party walls of certain new buildings.

facture, trade, or business, or which may be intended to be used exclusively as a dwelling-house and may exceed *thirty feet* in height, shall cause every party wall of such building to be carried up *nine inches* at the least in thickness:—

(i.) Above the roof, flat, or gutter of the highest building adjoining thereto to such height as will give, in the case of a public building, or of a building of the warehouse class, a distance of at least *three feet*, and, in the case of any such domestic building as is herein-before described, a distance of at least *fifteen inches* measured at right angles to the slope of the roof, or above the highest part of any flat or gutter, as the case may be :

(ii.) Above any turret, dormer, lantern light, or other erection of combustible materials fixed on the roof or flat of any building within *four feet* from the party wall, and so as to extend at least *twelve inches* higher and wider on each side than such erection :

(iii.) To a height of *twelve inches* at the least above such part of any roof as is opposite to and within *four feet* from the party wall.

In every case where the eaves of the roof project beyond the face of the building, he shall cause every party wall of such building to be properly corbelled out, in brickwork or stonework, to the full extent of such projection, and to be carried up above the projecting eaves *nine inches* at the least in thickness, to such height as will give, in the case of a public building or of a building of the warehouse class, a distance of at least *three feet*, and, in the case of any such domestic building as is herein-before described, a distance of at least *fifteen inches* measured at right angles to the slope of the roof.

Every person who shall erect a new domestic building which may be intended to be used exclusively as a dwelling-house, and may not exceed *thirty feet* in height, or which may be intended to be used as an office building or other out-building appurtenant to a dwelling-house, whether attached thereto or not, shall cause every party wall of such building to be carried up at least as high as the under-side of the slates or other covering of the roof of such building.

He shall also cause the slates or other covering of the roof to be properly and solidly bedded in mortar or cement on the top of the wall, and shall cause the roof to be so constructed that no lath, timber, or woodwork of any description shall extend upon or across any part of such wall.

For the purposes of this byelaw, the height of a building shall be measured upwards from the top of the footings of the

walls thereof to the level of half the vertical height of the roof, or to the top of the parapet, whichever may be the higher.

NOTE.—If in any case, neither the original model clause No. 26 nor the modified clause No. 26A is adopted, and section 109 of the 10 & 11 Vict., c. 34, is not in force, the following clause must be included so as to secure that all party walls are carried up to the underside of the roofs.

26B. Every person who shall erect a new building shall cause every party wall of such building to be carried up at least as high as the under side of the slates. Party walls to extend up to the roof.

He shall also cause the slates or other covering of the roof to be properly and solidly bedded in mortar or cement on the top of the wall, and shall cause the roof to be so constructed that no lath, timber, or woodwork of any description shall extend upon or across any part of such wall.

27. Every person who shall erect a new building shall cause every wall of such building, when carried up above any roof, flat, or gutter, so as form a parapet, to be properly coped or otherwise protected, in order to prevent water from running down the sides of such parapet, or soaking into any wall. Parapets to be coped.

NOTE.—It will be observed that this clause, which is for the prevention of damp in the walls of houses, and is, therefore, a byelaw for purposes of health, applies to all parapet walls whether formed voluntarily or in compliance with some of the building regulations; hence there is advantage in retaining the clause, whether parapet walls are required under the byelaws or not.

28. A person who shall erect a new building shall not construct any party wall of such building so that any opening shall be made or left in such wall. No openings in party walls.

NOTE.—This clause is intended to prevent persons from improperly forming openings in party walls of new building by which there would be danger of the spread of fire. It also serves to prevent windows from being formed in a party wall of a high building so as to overlook an adjoining building of less height, a condition which might tend to increase the risk of spread of fire.

29. A person who shall erect a new building shall not make any recess in any external wall or party wall of such building :— Recesses in external and party walls.

(a.) Unless the back of such recess be at least *nine inches* thick;

(b.) Unless a sufficient arch be turned in every storey over every such recess;

(c.) Unless in each storey the aggregate extent of recesses having backs of less thickness than the thickness prescribed by any byelaw in that behalf for the wall in which such recesses are made do not exceed *one-half* of the extent of the vertical superficies of such wall ;

(d.) Unless the side of any such recess nearest to the inner face of any return external wall is distant at the least *thirteen and a half inches* therefrom.

NOTE.—The object of this clause is mainly to secure stability in external and party walls, and to prevent the regulations as to their thickness from being negatived by the omission of part of the substance of the wall in an improper manner.

Chases in
walls.

30. A person who shall erect a new building shall not make in any wall of such building any chase which shall be wider than *fourteen inches* or more than *four and a half inches* deep from the face of such wall, or shall leave less than *nine inches* in thickness at the back or opposite side thereof, or which shall be within *thirteen and a half inches* from any other chase, or within *seven feet* from any other chase on the same side of such wall, or within *thirteen and a half inches* from any return wall.

NOTE.—This is a useful clause for preventing the impairment of the stability of a wall by the formation of the chase (*i.e.*, a vertical recess in which pipes are often fixed, and extending through a considerable part of the height of a wall) in an improper manner or position in any wall.

Timber
in party
walls.

31. A person who shall erect a new building shall not place in any party wall of such building any bond timber, or any plate, block, brick, or plug of wood.

NOTE.—The primary use of a party wall is to prevent the spread of fire from house to house ; hence whatever wood is introduced into such walls tends to impair its chief usefulness. It is, therefore, most important to prohibit the insertion of all unnecessary timber and woodwork in such walls, and especially the introduction of bond-timber and wood plates. Hoop-iron is an excellent substitute for bond-timber, and can be used where requisite in a party wall, either for bonding purposes or instead of a wood plate. A double tier of hoop-iron affords an excellent hold for the nails used in fixing wood grounds for skirtings and other woodwork. Concrete blocks are also made as substitutes for wood bricks.

Ends of
beams, &c.
in party
walls.

32. A person who shall erect a new building shall not place the end of such bressummer, beam, or joist in any party wall of such building, unless the end of such bressummer, beam, or

joist be at least *four and a half inches* distant from the centre line of such party wall.

NOTE.—This regulation is important for the prevention of the spread of fire from one house to another. It recognises, as a minimum requisite thickness, *nine inches* of brickwork between the ends of joists, &c., inserted in the opposite sides of a party wall, and requires this minimum thickness to be equally divided on both sides of the centre line of such wall. Hence joists, beams, &c., cannot properly be inserted in a nine-inch wall. In such a case, the joists should be laid parallel with the party wall, their ends resting on the external front and rear walls, or on some internal wall of the building; and such trimming joists and other timbers as must be laid at a right angle to the party wall should be supported on a proper corbel, or on a wood plate resting on two or three courses of bricks properly corbelled out, or on suitable iron brackets built into the wall in the manner indicated in Diagram No. XVI. The regulation is an essential one, and, in effect, is in extensive operation in various districts, including the metropolis, where, under the 18 & 19 Vict., c. 122, sec., 15 (1) and (2), it has been in use for upwards of 40 years.

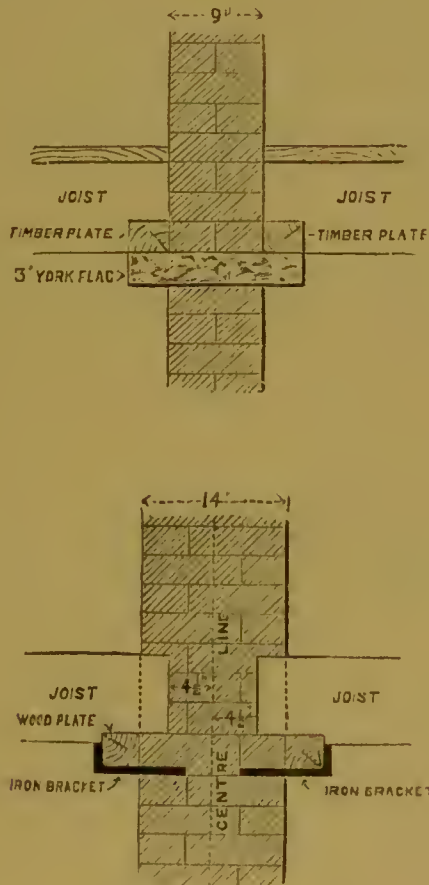


DIAGRAM No. XVI.

33. Every person who shall erect a new building shall cause every girder to be borne by a sufficient template of stone, iron, terra-cotta, or vitrified stoneware of the full breadth of the girder. Template under ends of girders

NOTE.—This is a necessary regulation as tending to secure stability by ensuring an even bearing for the ends of girders ; but, in practice, it is usual to make the template somewhat wider than the breadth of the girder, and in this respect, the requirement of the clause would seem capable of improvement.

Bearing
and sup-
port of
bressum-
mers.

34. Every person who shall erect a new building shall cause every bressummer to have a bearing in the direction of its length of *four inches* at least at each end, on a sufficient pier of brick or stone, or on a storey post of timber or iron fixed on a solid foundation, in addition to its bearing on any party wall ; and

He shall also, if necessary, cause such bressummer, to have such other storey posts, iron columns, stanchions, or piers of brick or stone on a solid foundation under the same as may be sufficient to carry the superstructure.

NOTE.—This clause is intended to secure stability by insuring direct support for the ends of bressummers irrespective of the walls into which they may be inserted. The second paragraph gives power to require extra support to be provided elsewhere than at the ends, whenever such extra support may be necessary.

Certain
open space
inside par-
titions, &c.
to be
stopped.

35. Every person who shall erect a new building shall cause the open space inside any partition wall of such building, or between the joists in any wall of such building, to be stopped with brickwork, concrete, pugging, or other incombustible material, at every floor and ceiling.

NOTE.—This clause is intended to arrest the rapid spread of fire from one part of the burning building to another, by preventing currents of air from passing along the space between the joists and studding of floors and partitions.

(Chimneys.

36. Every person who shall erect a new building shall, except in such case as is herein-after provided, cause every chimney of such building to be built on solid foundations and with footings similar to the footings of the wall against which such chimney is built, and to be properly bonded into such wall :

Provided, nevertheless, that such person may cause any chimney of such building to be built on sufficient corbels of brick, stone, or other hard or incombustible materials, if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel.

NOTE.—The object of this clause is to insure the stability of chimney-breasts by requiring proper foundations for them. The proviso, however, will allow the lower part of a chimney-breast to be dispensed with in certain cases where desired—such as in a shop, for example—if the chimney-breast above be properly supported, and if the projection be not too great in proportion to the thickness of the wall from which it is projected. It is sometimes remarked that the byelaws as to chimneys contain no regulations as to the size of chimney-flues. This subject, however, is already dealt with in the Chimney Sweepers Act, 3 and 4 Vict., c. 85, s. 6,* and cannot, therefore, form the subject of a byelaw.

37. Every person who shall erect a new building shall cause the inside of every flue of such building to be properly rendered or pargeted as such flue is carried up, unless the whole flue shall be lined with fireproof piping of stoneware at least *one inch* thick, and unless the spandril angles shall be filled in solid with brickwork or other incombustible material.

Chimney flues to be pargeted inside.

Such person shall also cause the back or outside of such flue, which shall not be constructed so as to form part of the outer face of an external wall, to be properly rendered in every case where the brickwork of which such back or outside may be constructed is less than *nine inches* thick.

Outside of chimneys in certain parts to be rendered.

NOTE.—This clause requires the inside of a flue to be covered with pargeting or to be lined with piping, so as to preclude the possibility of soot accumulating in the joints of the brickwork, or of fire penetrating them. It also requires the outer side of the brickwork of a flue, when only half a brick thick, and when such flue is in a party wall or a cross wall, to be rendered or covered with a coating of plaster so as to close up all interstices.

38. Every person who shall erect a new building shall cause every flue in such building which may be intended for use in connexion with any furnace cockle, steam boiler, or close-fire, constructed for any purpose of trade, business, or manufacture, or which may be intended for use in connexion with any cooking range or cooking apparatus of such building when occupied as a hotel, tavern, or eating house, to be surrounded with brickwork at least *nine inches* thick for a distance of *ten feet* at the least in height from the floor on which such furnace, cockle, steam boiler, close-fire, cooking range, or cooking apparatus may be constructed or placed.

Brickwork about certain flues to be extra thick.

NOTE.—This clause again relates to the prevention of fire. It requires in the case of certain fireplaces where the heat is likely to be more than ordinarily great and continuous, that the flue from it shall be of extra thickness for a specific height.

* This section is printed *in extenso* in Appendix No. II., p. 227.

Support
chimney-
breast
above
opening.

39. Every person who shall erect a new building shall cause a sufficient arch of brick or stone or a sufficient bar of wrought iron to be built over the opening of every chimney of such building to support the breast of such chimney; and if the breast projects more than *four and a half inches* from the face of the wall, and the jamb on either side is of less width than *thirteen and a half inches*, he shall cause the abutments to be tied in by a bar or bars of wrought iron of sufficient strength, *eighteen inches* longer than the opening, turned up and down at the ends, and built into the jambs on each side.

NOTE.—This clause aims at securing stability in the construction of chimney-breasts by requiring a suitable bar of iron, or a stone lintel, to be inserted over the fireplace-opening to support the superincumbent brickwork, and also, where the projection of the chimney-breast is great (as, for example, *nine* or *thirteen and a half inches*), and the jambs or sides of the fireplace are comparatively insufficient to resist the thrust of the arch over the fireplace-opening, by further requiring the jambs to be properly tied together with iron bars.

Jambs of
chimney
openings.

40. Every person who shall erect a new building shall cause the jambs of every chimney of such building to be at least *nine inches* wide on each side of the opening of such chimney.

NOTE.—The regulation is of importance for securing stability in the construction of chimney-breasts, as well as for diminishing danger of fire.

Thickness
of brick-
work about
chimney
flues.

41. Every person who shall erect a new building shall cause the breast of every chimney of such building and the brickwork or stonework surrounding every smoke flue and every copper flue of such building to be at least *four and a half inches* in thickness.

NOTE.—This clause is necessary as a precaution against fire. It would prohibit the formation of chimney-flues with bricks laid on edge or with ordinary stoneware or other pipes unenclosed with brickwork or stonework.

Thickness
of chimney
backs.

42. Every person who shall erect a new building shall cause the back of any chimney opening in a party wall of any room which may be constructed for occupation as a kitchen to be at least *nine inches* thick to the height of at least *six feet* above such chimney opening, and he shall cause such thickness to be continued at the back of the flue.

Such person shall cause the back of every other chimney opening in such building, from the hearth up to the height of *twelve inches* above such opening, to be at least *four and a half inches* thick if such opening be in an external wall, and *nine*

inches thick if such opening be elsewhere than in an external wall.

NOTE.—The first paragraph prescribes the requisite thickness of brickwork at the back of a kitchen fireplace in a party wall; it likewise requires that this prescribed thickness shall be continued upwards at least *six feet* above the fireplace-opening and then at the back of the chimney-flue. This is desirable in order to prevent the possibility of communication of fire to the adjoining house owing to the great heat than usually passes up kitchen chimneys. The second paragraph permits the brickwork behind ordinary fireplaces to be only *four and a half inches* thick, if in an external wall, but requires a thickness of *nine inches* if in an internal cross wall or in a party wall.

43. Every person who shall erect a new building shall cause the upper side of every flue of such building, when the course of such flue makes with the horizon an angle of less than *forty-five* degrees, to be at least *nine inches* in thickness. Thickness of brick-work of certain flues.

NOTE.—This clause is intended to secure safety from fire in the case of certain flues which are considerably out of the perpendicular, and in which, if the upper side of the flue were not very substantial, the ascending heat might be a source of danger.

44. Every person who shall erect a new building shall construct every arch, upon which any flue may be carried, so that such arch shall be effectually supported by means of a bar or bars of wrought iron of adequate strength. Arch chimneys to be supported by iron bars.

He shall cause every such bar, to the extent of *four and a half inches*, to be securely built or pinned into the wall at each end thereof.

He shall provide, for every *nine inches* of the width of the soffit of such arch, one, at the least, of such bars as a means of support for such arch.

NOTE.—This clause is intended to increase the stability of flues when constructed upon any kind of arch leading them from an outbuilding to the main building, as is not uncommonly done in the case of the flue from the washhouse or other one-storey domestic office projected from the rear of a dwelling-house.

45. Every person who shall erect a new building shall cause every chimney shaft or smoke flue of such building to be carried up in brickwork or stonework all round at least *four and a half inches* thick to a height of not less than *three feet* above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat or gutter. Minimum height for chimneys above roofs.

NOTE.—The object of this clause is to require the structure of any chimney stack, irrespective of the chimney-pot, to be carried up sufficiently above the roof to prevent danger of fire.

Maximum
height for
chimneys
above
roofs.

46. A person who shall erect a new building shall not cause the brickwork or stonework of any chimney shaft of such building, other than a chimney shaft of the furnace of any steam engine, brewery, distillery, or manufactory, to be built higher above the roof, flat, or gutter adjoining such chimney shaft, measured from the highest point in the line of junction with such roof, or flat, or gutter, than a height equal to *six* times the least width of such chimney shaft at the level of such highest point, unless such chimney shaft shall be built with and bonded to another chimney shaft not in the same line with such first-mentioned chimney shaft, or shall be otherwise made secure.

NOTE.—The effect of this very necessary clause is to determine the maximum height to which any chimney stack of a house may, with propriety, be carried without endangering its stability. In some exposed localities, it may be worthy of consideration whether instead of *six* times the least width, it would not be necessary to fix *five* or even *four* times that width as the maximum height for any chimney stack unless special and adequate means of making it secure are adopted.

Metal
holdfasts
near flues.

47. A person who shall erect a new building shall not place any iron holdfast or other metal fastening nearer than *two inches* to the inside of any flue or chimney opening in such building.

NOTE.—The object of this short clause is to preclude the insertion of iron holdfasts, in connection with woodwork, in such undue proximity to flues as might cause danger of fire.

Timber
not to be
near flues.

48. A person who shall erect a new building shall not place any timber or woodwork :—

(a.) In any wall or chimney breast of such building nearer than *nine inches* to the inside of any flue or chimney opening :

(b.) Under any chimney opening of such building within *fifteen inches* from the upper surface of the hearth thereof :

A person who shall erect a new building shall not drive any wooden plug into any wall or chimney breast of such building nearer than *six inches* to the inside of any flue or chimney opening.

NOTE.—This is one of the most important clauses for the prevention of fire. The careless way in which timber is often fixed in undue proximity to chimney-flues and fireplaces, is a most fertile cause of outbreaks of fire. The prohibition in sub-section (b.) relates to the insertion of timber or other woodwork into the wall or chimney-breast beneath the back hearth or chimney-opening itself, and not, as may perhaps be supposed, to the laths, &c., forming the ceiling beneath the hearth. The hearth merely forms that part of the floor which is usually constructed of incombustible materials as a precaution against fire. Byelaws on that subject may be made under section 23 (1) of the Public Health Acts Amendment Act, 1890.

49. Every person who shall erect a new building shall cause the face of the brickwork or stonework about any flue or chimney opening of such building, where such face is at a distance of less than *two inches* from any timber or woodwork, and where the substance of such brickwork or stonework is less than *nine inches* thick, to be properly rendered.

Face of
certain
brickwork
about
chimney-
openings
to be
rendered.

NOTE.—This is another clause relating to the prevention of fire. Where the brickwork about a chimney-flue or a fireplace is only half a brick in thickness, the joints are very liable to have crevices in them, either at the outset or after long exposure to heat, and, in such cases, a small accumulation of soot, on becoming ignited would, under the influence of a current of air, be extremely liable to set fire to any woodwork in contact with the brickwork. In order to prevent such an occurrence, unless the woodwork is sufficiently distant, the outer surface of the brickwork should be covered with a coating of plaster, so as to effectually stop up all interstices.

50. A person who shall erect a new building shall not construct any chimney or flue of such building so as to make or leave in such chimney or flue any opening for the insertion of any ventilating valve, or for any other purpose, unless such opening be at least *nine inches* distant from any timber or other combustible substance.

Openings
in chim-
neys.

NOTE.—The object of this clause is to prevent the improper arrangement of openings into chimney-flues.

51. A person who shall erect a new building shall not fix in such building any pipe for the purpose of conveying smoke or other products of combustion, unless such pipe be so fixed at the distance of *nine inches* at the least from any combustible substance.

Distance
of smoke-
pipes from
timber, &c.

NOTE.—The requirements of this regulation are sufficiently obvious to render explanation unnecessary. But the way in which stove-pipes are sometimes carelessly fixed, renders the clause one of peculiar importance.

52. Every person who shall erect a new building shall cause the flat and roof of such building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof of such building to be externally covered with slates, tiles, metal, or other incombustible materials, except as regards any door, door frame, window or window frame of any such turret, dormer, lantern-light, skylight, or other erection.

Roofs to
be covered
with in-
combusti-
ble mate-
rials.

He shall also cause every gutter, shoot, or trough in connexion with the roof of such building to be constructed of incombustible materials.

NOTE.—The effect of this regulation is to prohibit the use of thatch, tarred felt, and other combustible materials as coverings for roofs. Thatch is not only dangerous on account of its combustibility, but it is objectionable on sanitary grounds, as it undergoes decomposition, and likewise harbours insects and vermin; it has also been suggested as unsafe, because tending to retain infection occurring in the house. (See “Our Homes and How to Make them Healthy,” page 8, Cassell & Co.) In the case of *Payne v. Wright* (8 T.L.R., 54) a substance called “Duroline,” which had been used as a roof covering, was held not to be an “incombustible material.”

If, however, the clause were to require boarding under the slates or other covering, there would be much advantage on the score of health, since the interior of the house would be less influenced by changes of temperature.

The second paragraph prohibits the use of wooden or other combustible gutters, as they afford great facility for the spread of fire.

Eaves
guttering
to roofs.

52A. Every person who shall erect a new building shall cause the roof or flat of such building to be so constructed that all water falling on such roof or flat shall be received in suitable gutters, shoots, or troughs, and shall thence be discharged into a pipe or trunk provided in pursuance of the byelaw in that behalf.

NOTE.—This clause has been framed as an additional one in order to enable Sanitary Authorities to require suitable arrangements to be provided for carrying off rain water from the roofs of new buildings. The requirements of this clause relate only to the collection of rain water in valley or eaves gutters. Another clause (60A) will be found which deals with the carrying away of the water so collected. The clause is useful chiefly in Rural Sanitary Districts. In Urban Districts it is to a great extent rendered unnecessary by the 10 & 11 Vict., c. 34, s. 74.*

With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings.†

Open
space in
front of
new build-
ings.

53. Every person who shall erect a new domestic building shall provide in front of such building an open space, which shall be free from any erection thereon above the level of the ground, except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall, not exceeding *seven feet* in height, and which, measured to the boundary of any lands or premises immediately opposite, or to the opposite side of any street which such building may front, shall, throughout the whole line of frontage of such building, extend to a distance of *twenty-four feet* at the least; such distance being measured in every case at right angles to the external face of

* This section is printed *in extenso* in Appendix No. II., p. 227.

† The words of this heading are those of the statute, and should not be altered or added to. See Public Health Act, 1875, sec. 157 (3), p. 220.

any wall of such building which shall front or abut on such open space.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the extent of open space provided in pursuance of this byelaw in connexion with such building.

NOTE.—In order to secure sufficient space about buildings to allow free circulation of air, it is necessary that every new domestic building should have adequate open space in front of it as well as at its rear. A subsequent clause deals with the space at the rear, whereas this aims at securing an open space *in front*, equal at the least to what would occur were the building erected on the street boundary of the narrowest street permissible under the byelaws—viz, *twenty-four feet*. (See clause No. 6, p. 75.) The necessity for such a clause as this is shown (see Diagram No. XVII.) by the numerous instances in which houses have been erected in what had been previously back gardens, so that, in course of time, certain districts have become crowded with narrow courts having houses on one or both sides, and approached by passages from the main streets. It will be observed that the clause is so framed as to allow the width of the street in front of the house to be reckoned in the space required to be provided, and that it is permissible to have on the space so required to be provided any porch, or portico, or fence wall.

One valuable effect of this clause is, that on the re-erection of existing domestic buildings in streets of less width than *twenty-four feet*, the widening of such streets, so far as air-spaces is concerned, is gradually secured. But it has been contended, amongst other objections to this application of the clause, that whilst the onus of providing sufficient land to secure the *twenty-four feet* of open space to the front is thrown upon the person who first re-erects such a building on one side of a narrow street, his opposite neighbour, who happens to re-build at a later date, is altogether relieved from providing any space to meet this obligation.

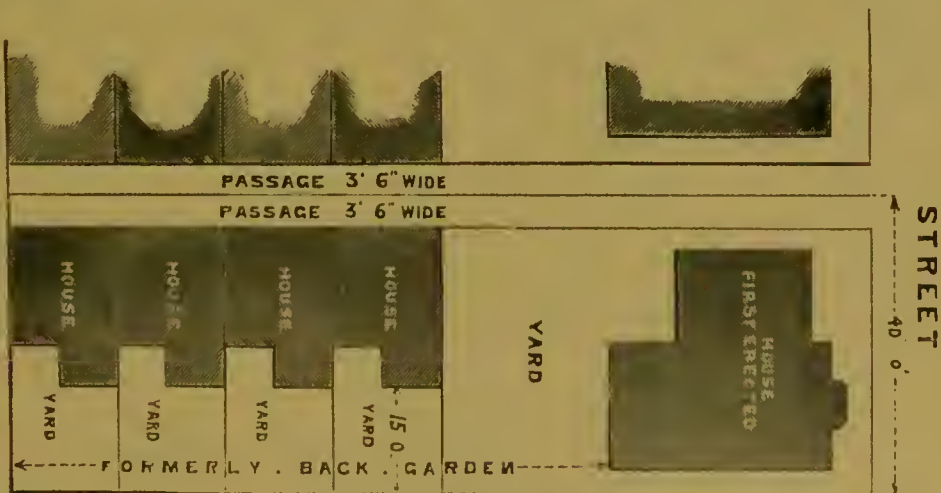


DIAGRAM No. XVII.

In order to deal with this objection, and at the same time to avoid the gradual formation of an irregular line of house-frontage in such streets, the following clause has sometimes been substituted for the model clause.

Open
space in
front of
new build-
ings (modi-
fied clause
to meet
cases of
old narrow
streets).

53A. Every person who shall erect a new domestic building shall provide in front of such building an open space, which, measured to the boundary of any lands or premises immediately opposite, or to the opposite side of any street which may not be less than *twenty-four feet* in width at the point where such building may front thereon shall, throughout the whole line of frontage of such building, extend to a distance of *twenty-four feet* at the least; such distance being measured in every case at right angles to the external face of any wall of such building which shall front or abut on such open space.

Where a new domestic building may be intended to front on a street laid out before the confirmation of these byelaws, and of a less width than *twenty-four feet*, the person who shall erect such building shall provide in front thereof an open space, which, measured to the opposite side of such street throughout the whole line of frontage of such building, shall extend to a distance equal at least to the width of such street, together with one-half of the difference between such width and *twenty-four feet*.

Any open space provided in pursuance of this byelaw shall be free from any erection thereon above the level of the ground, except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall not exceeding *seven feet* in height.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the extent of open space provided in pursuance of this byelaw in connection with such building.

Open
space at
rear of new
buildings.

54. Every person who shall erect a new domestic building shall provide in the rear of such building an open space exclusively belonging to such building, and of an aggregate extent of not less than *one hundred and fifty square feet*, and free from any erection thereon above the level of the ground, except a watercloset, earthcloset, or privy, and an ashpit.

He shall cause such open space to extend, laterally, throughout the entire width of such building, and he shall cause the distance across such open space from every part of such building to the boundary of any lands or premises immediately opposite or adjoining the site of such building, to be not less in any case than *ten feet*.

If the height of such building be *fifteen feet* he shall cause such distance to be *fifteen feet* at the least.

If the height of such building be *twenty-five feet* he shall cause such distance to be *twenty feet* at the least.

If the height of such building be *thirty-five feet* or exceed *thirty-five feet* he shall cause such distance to be *twenty-five feet* at the least.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the aggregate extent of open space provided in pursuance of this byelaw in connexion with such building, or in any other respect fail to comply with any provision of this byelaw.

For the purposes of this byelaw the height of such building shall be measured upwards from the level of the ground over which such open space shall extend to the level of half the vertical height of the roof or to the top of the parapet, whichever may be the higher.

NOTE.—Adequate open space at the rear of domestic buildings has for many years been regarded as essential to the healthiness of such buildings, and accordingly a regulation for securing that object has usually been included in every set of building regulations. It is sometimes sought to allow the requisite space to be either at the rear or at the side, but inasmuch as if it is provided at the side of the building it would permit of the houses being arranged as what are termed “back-to-back houses,”—an arrangement which, for sanitary and other reasons has been found to be most undesirable—the alternative should not be permitted, and the prescribed amount of space should be provided wholly at the rear.* Indeed, if it is wished to require an open space to be provided partly at the side and partly at the rear, the minimum prescribed total area of such space ought to be considerably increased. The space at the rear ought, moreover, to extend throughout the entire width of the building as described in the clause. The minimum requisite area prescribed by the clause is a very small one, and it would be of advantage if it could be increased without chance of operating with undue hardship. The distance across the requisite space is a most important factor in the arrangement, and the principle of increasing that distance according to the height of the building—measured in feet rather than in storeys—is a sound one. See also Note to clause No. 73, p. 159. With respect to what may be regarded as an erection encroaching on the prescribed open space, it may be useful to refer to the case of *Adams (app.) v. Bromley Local Board* (resp.)—37 J.P., 662, in which it was held that a small wooden fence, three feet six inches high, erected round the house so as to encroach upon the area of open space required by the Local Board’s byelaws, was properly held by the justices to be an erection within the meaning of the byelaw.

The distance across the open space must be measured in such a way as not to include any land which does not exclusively belong to the buildings for which open space is provided. Hence it is not permissible to reckon the width of any back passage as part of the open space, as the passage would in most cases be used in common by several occupiers, and even if it were not the existence of a fence wall between it and the rest of the open space would be contrary to the byelaw as has been already shown. The case of *Jones v. Parry* (51 J.P., 356, 52 J.P., 69) however, removes any doubt on the point, for it was there held that

* See the Report to the Local Government Board by Dr. Barry and Mr. P. Gordon Smith, F.R.I.B.A., on Back-to-back houses. February, 1888. Eyre and Spottiswoode, London.

a street in the rear of premises was the "opposite property" to which the distance across the open space must be measured and not to a building on the other side of it.

In the case of *Tucker* (app.) v. *Rees* (resp.), 7 *Jurist*, n.s. 629, it appeared that under section 34 of the Local Government Act, 1858, a local board of health had made a byelaw that wherever any open space had been left belonging to any building, such space should never afterwards be built upon without the consent of, &c., and without leaving an open space belonging to such building of a specified size and dimensions. The Court held that if the byelaw applied to open spaces belonging to old buildings it was bad.

If in any case it is desired to exempt stables from the requirements as to open space in the rear, the following proviso may be adopted :—

Proviso
exempting
certain
out-build-
ings.

" Provided always, that this byelaw shall not apply so as to require any open space to be provided in the rear of any domestic building other than a dwelling-house where such building is appurtenant to a dwelling-house, and is not of a greater height than such dwelling-house, and abuts on the open space provided in the rear of such dwelling-house, and where the open space so provided is sufficient to comply with the requirements of this byelaw.

" Provided further, that in any case where such building is of a greater height than the dwelling-house to which it is appurtenant, the foregoing exemption shall apply, if the open space left in the rear of such dwelling-house would be sufficient to comply with the requirements of this byelaw were the dwelling-house of a height equal to the height of the other building."

The four diagrams on page 125 serve to illustrate the chief requirements of the Model clause. Diagram No. XVIII. shows the minimum requisite area and distance across as prescribed in the first and second paragraphs of the clause: and it will be seen that the distance there prescribed is requisite in order that the requirements of clauses No. 73 and 80 may be complied with as regards the proximity of privies and ashpits to buildings. Diagrams XIX., XX., and XXI. show the requisite areas and distances across that are prescribed by the third and fourth paragraphs respectively, and it will be observed in each instance that the distance across is governed by the highest portion of the building, and not by the height of the projecting out-building, the measurement being from the rearmost wall whether there be an out-building or not.

In some cases where ground is particularly valuable it is the practice to permit the whole area of a site to be built upon. There are special regulations as to this in the London Building Act, 1894, but the circumstances of the Metropolis are considered by the Local Government Board as unique, and the Board will not accept the principles of that Act as applicable to provincial towns. The Board have, however, in one case assented to the following proviso to Model byelaw No. 54 to meet the requirements of business premises:—

Provided that, where in any street laid out before the confirmation of these byelaws, a domestic building may be intended to be erected upon a site which, at the time of such confirmation or previously thereto, shall have been occupied by another domestic building, this byelaw shall not be deemed to prevent the erection upon such site of a domestic building other than a dwelling-house, and having no basement storey, the ground floor of which may wholly or partially cover such site; and where any such building is so erected the open space required by this byelaw to be provided in the rear of such building shall

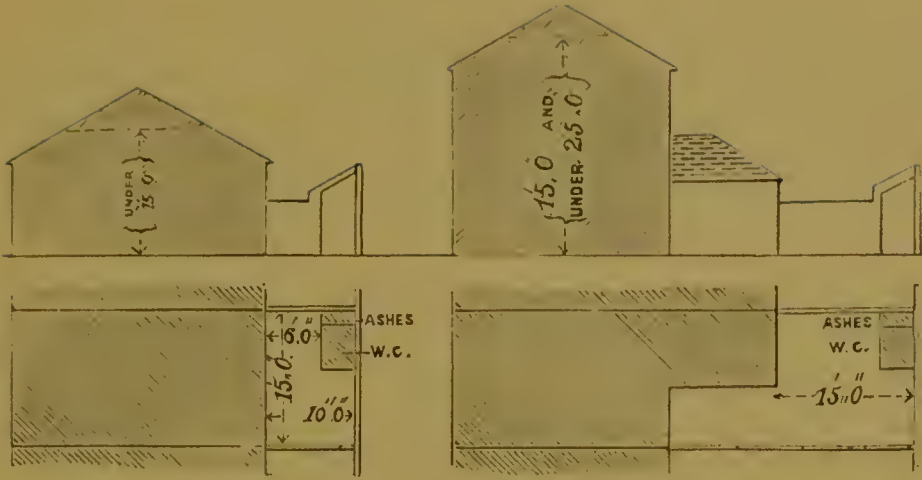


DIAGRAM No. XVIII.

DIAGRAM No. XIX.

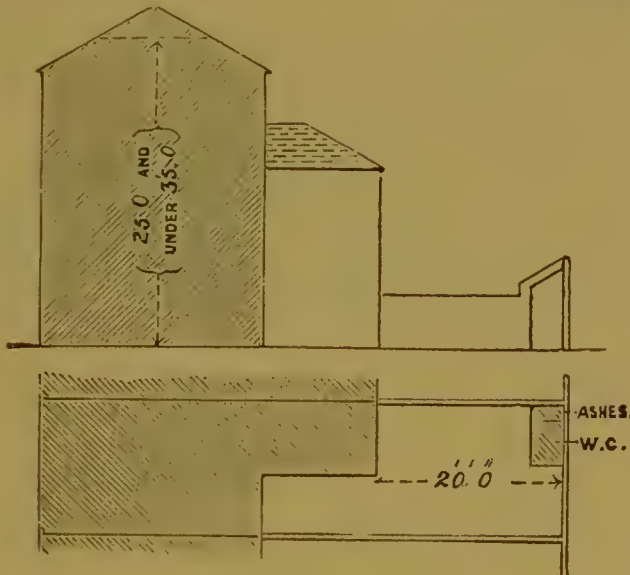


DIAGRAM No. XX.

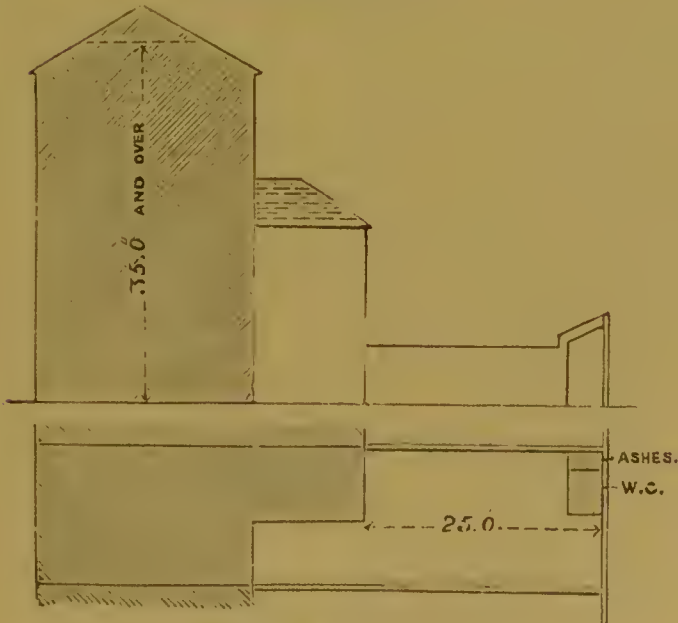


DIAGRAM No. XXI.

be provided free from any erection thereon above the level of the floor line of the first floor, except a skylight for the purpose of lighting and ventilating the ground floor, the height of which shall not exceed *two feet* as measured to the projection of the eaves, and *three feet six inches* as measured to the highest part of the roof of such skylight.

There are, however, circumstances in which new domestic buildings are so placed that the actual health requirements as to open space are met without strict adherence to the terms of clause No. 54. Thus, in the case of a new domestic building erected on a site lying between two streets which meet at an acute angle, the building, of necessity, has open space on the two sides abutting on the adjacent streets, and in this way reasonable means of through ventilation by windows and doors is provided without the need for additional air space on the third side, which may happen technically to constitute the rear. All, therefore, that is required in the interests of health is the further provision of sufficient open space on which a privy and ashpit can properly be erected.

A proviso on the following lines may be framed to meet such a case :—

Proviso for sites adjoining two streets meeting at an acute angle.

Provided that in any case where the site of a new domestic building may abut on two or more streets, and by reason of the form or dimensions of the site of a new domestic building, it may be impracticable to provide in the rear of such building such an extent of open space as will satisfy the preceding requirements of this byelaw, a person may erect any such building in accordance with the following requirements :—

He shall construct such building so that there shall be on the side or sides other than the front of such building which so adjoins or adjoin streets an open space having a distance across from every part of such building to the opposite side of such street or streets immediately adjoining such site of not less than *ten feet* which shall be free from any erection thereon above the level of the ground (except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall not exceeding *seven feet* in height), and which shall extend laterally throughout the entire length of such side or sides of such building. He shall provide on one side of the site, not being the front of such building, an open space which shall exclusively belong to such building, which shall be free from any erection thereon above the level of the ground, except a watercloset, earthcloset, or privy and an ashpit, which shall extend laterally throughout at least *ten feet* of such side of the site of such building, and across which the distance from the opposite part of such building to the side of the site which abuts on any lands or premises immediately opposite or on any street immediately adjoining such site, but not being one of the two streets hereinbefore referred to, shall be not less in any case than *ten feet*, and shall be connected with one of the streets on which such building abuts by means of a passage or other similar opening, so arranged as to be capable at all times of affording a free circulation of air between the open space and such street aforesaid.

He shall cause the aggregate extent of open space, which shall, in pursuance of the preceding requirements, be provided or left on two or more sides other than the front of such building, to be not less in any case than *two hundred and fifty square feet*.

Diagram XXII. illustrates the requirements of this proviso, and shows the open space having a minimum distance of *ten feet* across it that has to be provided

on one side other than the front, and which may extend wholly on to a street if such street is *ten feet* or more in width, or partially on to such street if it is less than *ten feet* in width. The diagram also shows the requisite open space exclusively belonging to each house, and having a distance across it each way of *ten feet*, which, together with the open space extending along the street boundary other than the front, contains at least *two hundred and fifty square feet*. It likewise shows the passage required by the proviso.

Sites of Shallow Depth.

There have been cases where streets have been laid out before the confirmation of proper byelaws for the district in connection with plots of land of unusually shallow depth from front to back. Such shallow depth has been altogether insufficient to admit of the provision of the prescribed amount of open space at the rear of the dwelling-houses. For such cases the following proviso is

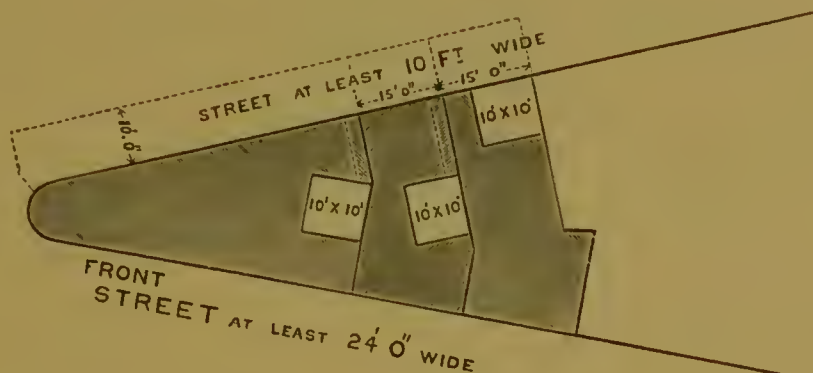


DIAGRAM No. XXII.

suggested, requiring a certain amount of open space to be provided on two opposite sides of each house so as to ensure adequate means of through ventilation:—

Provided that in any case where the depth of the site of a new domestic building renders it impracticable to provide in the rear of such building such an extent of open space as will satisfy the preceding requirements of this byelaw, a person may erect any such building in accordance with the following requirements:—

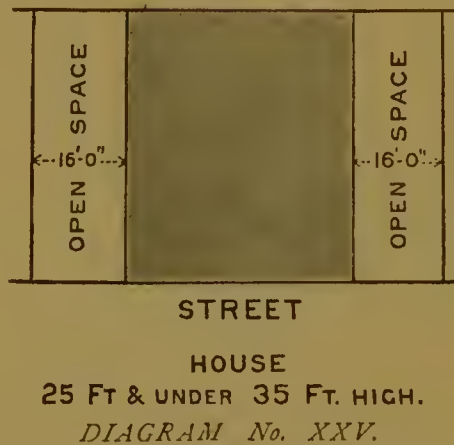
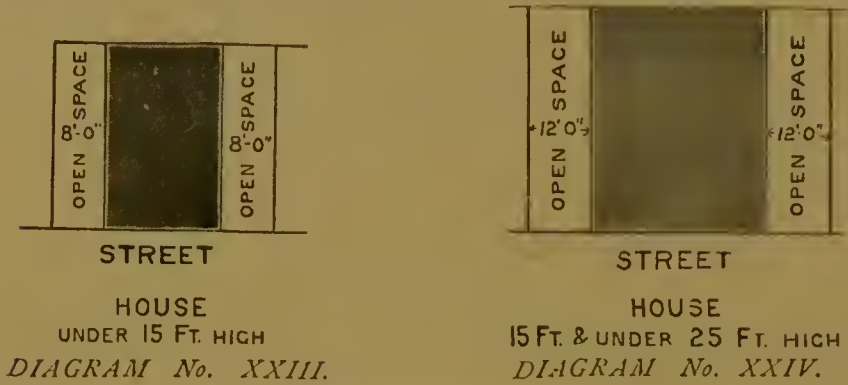
He shall provide on each of two sides, not being either the front or the rear of such building, an open space, exclusively belonging to such building free from any erection thereon above the level of the ground (except a watercloset or earthcloset, and an ashpit), and extending laterally throughout the entire depth of such building, and communicating directly with any open space that may be provided in the front or in the rear of such building the distance across such open space from every part of such building to the boundary of any lands or premises in the same curtilage being not less in any case than *eight feet*.

If the height of such building be *fifteen feet* he shall cause the distance across to be not less than *twelve feet*.

If the height of such building be *twenty-five feet* he shall cause such distance to be not less than *sixteen feet*.

If the height of such building be *thirty-five feet*, or exceed *thirty-five feet*, he shall cause such distance to be not less than *twenty feet*.

The following Diagrams serve to illustrate the requirements of this proviso :—



Proviso for sites where two streets meet at right angles.

For reasons very similar to those which led to the preparation of the above proviso, a further one has been contrived to deal with the re-erection of new domestic buildings on sites where two streets meet at right angles. Here, it is true, adequate cross-ventilation is not so completely secured as in the former case, but having regard to the fact that the proviso deals only with the re-erec-

tion of buildings, and only with corner sites, and that such sites may have at times acquired a special value for business purposes, some modification of clause No. 54 may be desirable. Hence, in these exceptional cases, the two streets may be accepted as affording the necessary means for securing the required cross ventilation. But, in such a case, it is imperative that in addition some sufficient space to the rear should be secured for the purposes of a closet and ashpit; and since adequate movement of air in such space is essential in the interests of health, the application of the proviso should be limited to cases in which there is a passage leading from the space at the rear into one of the adjacent streets. As regards the provision of open space in front it may be a question as to which street the building fronts. In a case in London it was held that a building had its main front in one street, and was also "erected on the side of" another street: (*London County Council v. Lawrence*, L.R. [1893] 2, Q.B. 228).

In the case of *Reg. v. Ormesby Local Board*, 43 W.R., 96, it was held that the back wall of a house, which was erected in a certain street so as to front away from the road, was a "front main wall" within section 3 of the Public Health (Building in Streets) Act, 1888. The proviso in question is as follows, and is illustrated in Diagram XXVIIa. :—

Provided that in any case where a domestic building may be re-erected on a site two adjoining sides of which abut on streets, and where by reason of the form, dimensions, or intended mode of use of such site, or of its position in relation to an adjoining site or sites, it may be impracticable to provide in the rear of such building such an extent of open space as will satisfy the preceding requirements of this byelaw, every person who shall re-erect any such building on such site shall, as regards the provision of open space in connexion therewith, comply with such of the following requirements as may be applicable to the circumstances of the case instead of complying with the said preceding requirements; but this proviso shall not apply in any case where the open space to be provided in connexion with a building shall not be connected with one of the streets on which such building abuts by means of a passage or other similar opening so arranged as to be capable at all times of affording a free circulation of air between the open space and such street aforesaid.

(i.) Where there shall have been an amount of open space exceeding *one hundred square feet* in the rear of the building that may have previously occupied the site, the person re-erecting such building shall provide in the rear of the new domestic building an open space which shall be not less in depth or extent than the depth and extent of the open space that shall have been provided in connexion with the first-mentioned building, and shall exclusively belong to such building and be free from any erection above the level of the ground except a watercloset, earthcloset, or privy, and an ashpit.

(ii.) Where there shall not have been an amount of open space exceeding *one hundred square feet* in the rear of the building that may have previously occupied the site, the person re-erecting such building shall provide in the rear of the new domestic building an open space which shall be not less in extent than *one hundred square feet*, and shall be free from any erection thereon above the level of the ground except a water-closet, earthcloset, or privy, and an ashpit, and shall extend laterally throughout at least *ten feet* of the entire width or depth of such building, and across which the distance from every part of such building to the nearest boundary of any lands or premises immediately adjoining such site shall be not less in any case than *ten feet* at the least.

(iii.) In either of the foregoing cases every person who erects a new domestic building shall provide on that side of such building which adjoins the front and abuts on any street an open space of an aggregate extent of not less than *one hundred and fifty square feet*, which shall be free from any erection

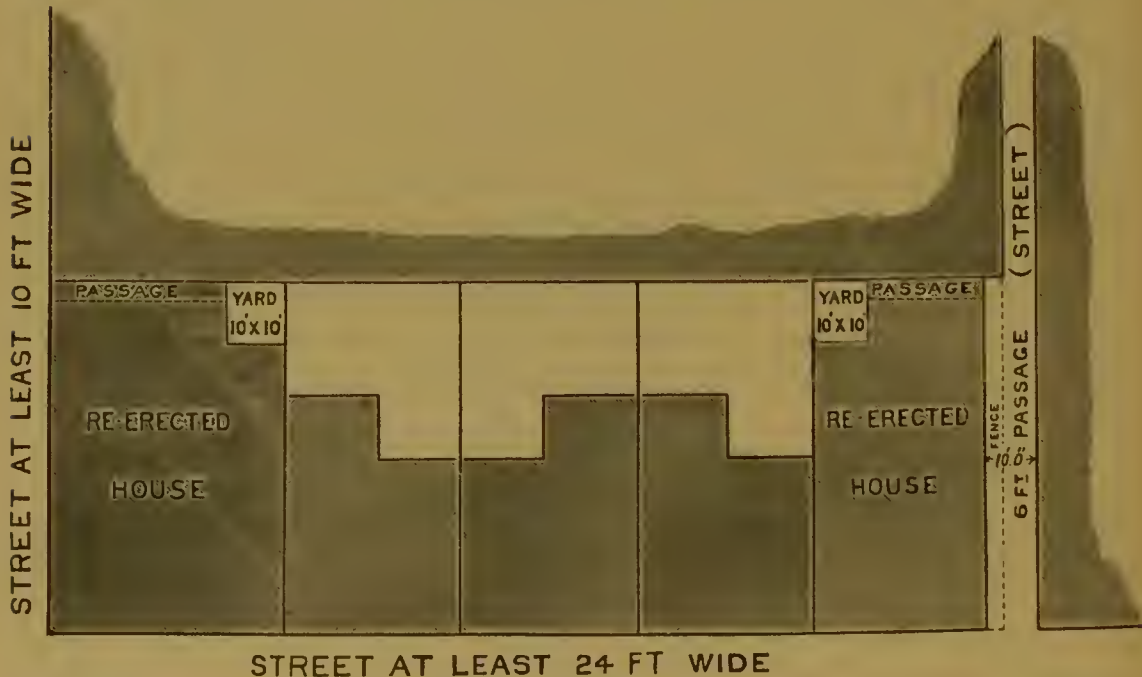


DIAGRAM No. XXVIIa.

thereon above the level of the ground except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall not exceeding *seven feet* in height. He shall cause such open space to extend laterally throughout the entire width or depth of such building, and to have a distance across from every part of such building to the opposite side of the street immediately adjoining such site of not less in any case than *ten feet*.

In some cases, such, for instance, as in certain sea-side towns, houses are constructed so as to turn the corners of streets in the form of a curve, instead of at right angles, as is more usual. So also where, for example, a railway traverses a street obliquely, the building plot adjoining the railway on one side will be diminished in width from front to rear. It is obvious that, as the sites of such houses must be of less width at the rear than in the front, the model requirements as to the open space in the rear extending laterally throughout the whole width of building for the required distance across could not be complied with. To meet such cases, therefore, the model byelaw has, in some instances, been modified as follows :—

Sites Tapering to the Rear.

54A. Every person who shall erect a new domestic building shall provide in the rear of such building an open space exclusively belonging to such building, and of an aggregate extent of not less than *one hundred and fifty square feet*, and free from any erection thereon above the level of the ground, except a watercloset, earthcloset, or privy, and an ashpit.

He shall, except in such cases as are herein-after provided, cause such open space to extend, laterally, throughout the entire width of such building.

He shall cause the distance across such open space from every part of such building to the boundary of any lands or premises immediately opposite or adjoining the site of such building, to be not less in any case than *ten feet*.

If the height of such building be *fifteen feet*, he shall cause such distance to be *fifteen feet* at the least.

If the height of such building be *twenty-five feet*, he shall cause such distance to be *twenty feet* at the least.

If the height of such building be *thirty-five feet* or exceed *thirty-five feet*, he shall cause such distance to be *twenty-five feet* at the least :

Provided always, that in any case where the site of a building may be of such a shape that the width thereof diminishes towards the rear, and it is therefore impossible to provide an open space extending laterally throughout the entire width of such building and having the required distance across such space, the person who shall erect such building shall provide in the rear thereof an open space the extent of which is to be determined in accordance with the provisions of this byelaw, subject to the following exceptions :—

(1.) He shall cause the distance across such space to be measured from the rearmost wall of such building, to a line at which the lateral width of the open space shall not be less than one-half of the width of such space at such rearmost wall.

(2.) He shall provide on the side of such line remote from the building a further open space exclusively belonging to such

building of a superficial area equal to one-third of the area of the space herein-before required to be provided.

(3.) This proviso shall not apply in the case of any building which would form one of a series of buildings continued in an unbroken line, whether in the form of a square or in any other form, and completely enclosing a space in the rear of such buildings.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the aggregate extent of open space provided in pursuance of this byelaw in connexion with such building, or in any other respect fail to comply with any provision of this byelaw.

For the purposes of this byelaw the height of such building shall be measured upwards from the level of the ground over which such open space shall extend to the level of half the vertical height of the roof or to the top of the parapet, whichever may be the higher.

Diagram XXVIIIa. illustrates the requirements of these modifications of clause No. 54, and shows that, in the cases referred to, the width of open space along the line *a b* must be at least half of that along the line *c d*, as prescribed in sub-section (1) of the proviso, and that the area of the space enclosed within *a, b*, and *e* must be equal to at least one-third of the space within *a, b, c, d*, as prescribed in sub-section (2) of the proviso. Sub-section (3) of the proviso would prevent the formation of a continuous line of buildings such as would completely enclose the spaces at the rear of the group of houses, and thereby interfere with free circulation of air.

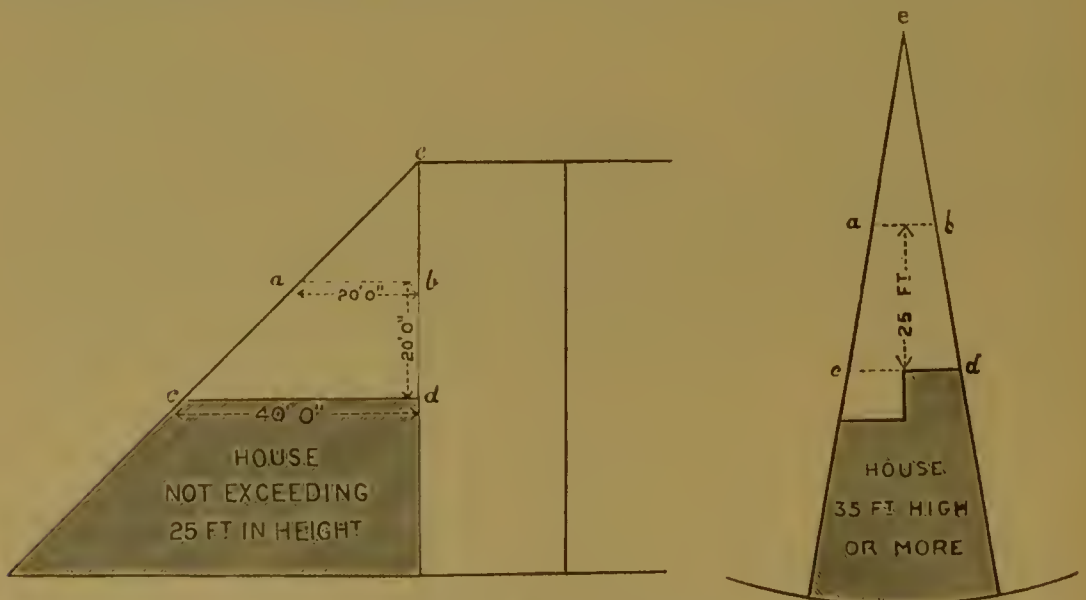


DIAGRAM No. XXVIIIa.

Window
overlook-
ing requi-

55. Every person who shall erect a new domestic building shall construct in the wall of each storey of such building which

shall immediately front or abut on such open spaces as, in pursuance of the byelaws in that behalf, shall be provided in connexion with such building, a sufficient number of suitable windows, in such a manner and in such a position that each of such windows shall afford effectual means of ventilation by direct communication with the external air.

site open space, to be provided.

NOTE.—The model clauses Nos. 53 and 54 having prescribed the requisite minimum amount of open space to be provided in the front and at the rear of every new domestic building, it remains to utilize those open spaces to the best advantage, and accordingly this clause prescribes that a sufficient number of windows shall be provided in each storey of such building overlooking both the open space in front and that at the rear of the building. In this way it is sought to secure reasonable means for the ventilation of the building.

56. Every person who shall erect a new domestic building shall so construct every room which shall be situated in the lowest storey of such building, and shall be provided with a boarded floor, that there shall be, for the purpose of ventilation between the under side of every joist on which such floor may be laid, and the upper surface of the asphalt or concrete with which in pursuance of the byelaw in that behalf, the ground surface or site of such building may be covered, a clear space of *three inches* at the least in every part, and he shall cause such space to be thoroughly ventilated by means of suitable and sufficient air-bricks, or by some other effectual method.

Ventilation of space beneath lowest floor.

NOTE.—Wherever the lowest storey of a house has a boarded floor, it is most important to provide ample ventilation beneath the floor, for, unless a current of air can pass freely and constantly between the wooden floor-joists and the surface of the concrete or asphalt that is laid over the ground beneath the house (as prescribed by clause No. 10, see page 79), or the surface of the ground, it is almost certain that dry-rot will attack the woodwork, and the space beneath the floor will be rendered unwholesome. By this clause it is required that there shall be between the upper surface of the asphalt or concrete and the joists, a space at least *three inches* high, but this is very little, and if no asphalt or concrete is used, that height ought to be increased to at least *nine inches*. The clause, moreover, provides for the requisite ventilation of the space. If clause No. 10 is modified so as to require the concrete or asphalt only where the site is damp, the following clause should be substituted for model No. 56 :—

56A. Every person who shall erect a new domestic building shall so construct every room which shall be situated in the lowest storey of such building, and shall be provided with a boarded floor, that there shall be, for the purpose of ventilation between the under side of every joist on which such floor may be laid, and the upper surface of the ground or of the asphalt or concrete with which, in pursuance of the byelaw in that

behalf, the ground surface or site of such building may be covered, a clear space of *three inches* at the least in every part, if such ground surface or site be covered with asphalt or concrete, and of *nine inches* at the least in every part if such ground surface or site be not so covered, and he shall cause such space to be thoroughly ventilated by means of suitable and sufficient air-bricks, or by some other effectual method.

Windows
in habit-
able
rooms.

57. Every person who shall erect a new building shall construct in every habitable room of such building one window, at the least opening directly into the external air, and he shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the sash frames, to be equal at the least to *one-tenth* of the floor area of such room.

Such person shall also construct every such window so that *one-half*, at the least, may be opened, and so that the opening may extend in every case to the top of the window.

NOTE.—The necessity for providing at least one window of ample size, and opening directly into the external air, in every room intended for habitation, is of much importance for purposes of health, and, accordingly, this clause is intended to effect that object. It will be observed that a “borrowed light,” *i.e.*, a window opening into the interior of a building, will not answer the purpose; neither should a skylight be permissible. The clause, moreover, prescribes the smallest proportionate size for a window according to the floor-area of the room, and it likewise directs that such window as is provided in obedience to the byelaw, is to be made capable of being opened to the extent of at least *one-half*, the opening to extend to the top of the window. This regulation, therefore, permits of either double-hung sashes, French casements, Yorkshire lights, which slide horizontally, or sashes hung on pivots or hinges.

In several instances Sanitary Authorities have added to this clause a requirement that the top of at least one window shall be either not less than *seven feet six inches* above the floor, nor not more than *one foot* below the ceiling. This requirement tends to improved ventilation by the avoidance of any considerable layer of over-heated or stagnant air.

Height of
rooms.

In the circular letter, 25th July, 1877 (see page 1), of the Local Government Board, which was issued to Urban Sanitary Authorities when the Model Building Byelaws were first published, it was stated that frequent application had been made for confirmation of a byelaw prescribing a minimum height for habitable rooms, and it had been sought to justify such a provision as being a byelaw with respect to ventilation, and as being therefore authorized by section 157 of the Public Health Act, 1875. The sanitary value of such a regulation was fully admitted, but serious doubts were entertained as to its legality, and accordingly the opinion of the Law Officers of the Crown* was obtained upon the point. Their opinion, as given in the Tenth Annual Report of the Local Government Board, was as follows:—“That an Urban Sanitary Authority has no general power, under the 157th section of the Public Health Act, 1875, to make byelaws regulating the height of rooms for the purpose of thereby securing improved ventilation. There

* Sir Henry James and Sir Farrer (now Lord) Herschell.

may, however, be cases where reasonable regulations made with reference to the mode of ventilation would necessitate the rooms being of a certain height."

Such byelaws can, however, now be made by any Local Authority that has obtained the power of making byelaws under section 23 of the Public Health Acts Amendment Act, 1890, as to "the height of rooms intended to be used for human habitation." As to the form of such a byelaw, see the "Model Byelaws" issued by Messrs. Knight & Co., under the Act. Following upon the passing of that Act, the Local Government Board caused a Memorandum to be prepared by their Medical Officer and Architect, explaining the points to be borne in mind in determining, by means of byelaws, the height that should be required in such rooms under different conditions of construction. This Memorandum is printed with diagrams in illustration of its recommendations, in Appendix No. III., p. 238.

The subject of the height of rooms has given rise to much discussion from time to time, as the somewhat advanced views of the Local Government Board are not shared by a large number of local authorities. In one case a local authority sought to base a byelaw upon section 70 (1) (b) of the London Building Act, 1894, which enacts that "every habitable room, except rooms wholly or partly in the roof of any building, shall be at least *eight feet* in height from the floor to the ceiling, throughout not less than one-half the area of such room." The Local Government Board refused to assent to the proposal, and they stated that they did not consider that the special provisions applicable to the metropolis afforded any sufficient ground for regarding the provisions of this clause as to the height of rooms in Messrs. Knight & Co.'s Model Series as in excess of reasonable requirements, where the special conditions applicable to the metropolis do not obtain.

58. Every person who shall erect a new domestic building shall cause every habitable room of such building which is without a fireplace, and a flue properly constructed and properly connected with such fireplace, to be provided with special and adequate means of ventilation by a sufficient aperture or air-shaft which shall provide an unobstructed sectional area of *one hundred square inches* at the least.

Ventilation of rooms without fireplaces.

NOTE.—A room without a fireplace and chimney-flue is always to be regarded as less wholesome than one in which a proper fireplace is provided, for even though a fire be rarely lighted, the draught up the chimney-flue will usually be such as to draw a considerable quantity of vitiated air out of the room, and the chimney will thus afford most valuable ventilation to the room. Even if the grate be one with a register-flap in it, or a chimney-board be placed in front of the grate, some air will still be drawn through the chinks and cracks of the register-flap or chimney-board. Hence this clause is intended to apply to habitable rooms unprovided with any fireplace and chimney, and accordingly it prescribes that any such room is to be provided with some special ventilator having a sectional area somewhat approximating to that of an ordinary chimney-flue. The latter usually measures 14 × 9 inches, thus giving a section area of 126 square inches, and the clause prescribes at least *one hundred inches*, which would be met by a grating in a wall or chimney stack 10 × 10 inches or 12 × 9 inches. It may be questionable how far a similar grating in an internal wall—over the door from the staircase, for example,—would provide the "adequate" ventilation required.

There is advantage in making this byelaw stringent, for the absence of a fireplace in a bedroom commonly leads to the beds of sick persons being removed into the common living room of a cottage.

Ventila
tion of
public
buildings.

59. Every person who shall erect a new public building shall cause such building to be provided with adequate means of ventilation.

NOTE.—This clause is admittedly not very definite in its requirements, but inasmuch as the question of ventilating public buildings is a very wide one, and depends upon so many and different conditions, it has not been found possible to do more than refer to the subject in a general way—a way, however, which in practice will not be without important use.

Where sections Nos. 110-12 of the 10 & 11 Vict., c. 34, are in force by incorporation with any Local Act, this byelaw must be omitted.

With respect to the drainage of buildings.

Drainage
of subsoil.

60. Every person who shall erect a new building shall cause the subsoil of the site of such building to be effectually drained by means of suitable earthenware field pipes, properly laid to a suitable outfall, whenever the dampness of the site renders such a precaution necessary.

He shall not lay any such pipe in such a manner or in such a position as to communicate directly with any sewer or cesspool, or with any drain constructed or adapted to be used for conveying sewage, but shall provide a suitable trap, with a ventilating opening, at a point in the line of the subsoil drain as near as may be practicable to such trap.

NOTE.—The necessity of drying to the utmost the subsoil beneath buildings has already been referred to (clause No. 10, p. 79). Owing to the pervious character of the drain necessary for this purpose, it is imperative that sewer air should not be allowed to gain entrance to it and from it into the surrounding soil. Hence the conditions specified in the second paragraph. Where the system of sewerage in operation is that known as the "separate system," *i.e.*, where such part of the rainfall as is free from serious pollution is excluded from the sewers and conveyed separately to some water-course or other place, a suitable outfall for this pipe drain may easily be obtained by connecting it with the rain-water drain. Under other circumstances it is desirable that the outfall should be either direct into the open air, or where it must be conveyed to the sewer, that the nearest approach to this should be obtained in the manner shown in Diagram No. XXIX*a*. Where, however, a trap is used to preclude the entry of sewer-air or cesspool-air into the pipe-drain, arrangements should be made to ensure the maintenance, even in the driest seasons, of a sufficiency of water in the trap. Thus, a fresh-water tap may be fixed for this purpose near the ventilating opening.

60A. Every person who shall erect a new building shall cause a suitable pipe or trunk, extending from the roof of such building to the ground, to be fixed to the front or rear or to one of the sides of such building, and to be so connected with a gutter, shoot, or trough receiving any water that may fall on the roof, as to carry all such water therefrom without causing dampness in any part of any wall or foundation of such building.

Down-
spouts for
rain-water.

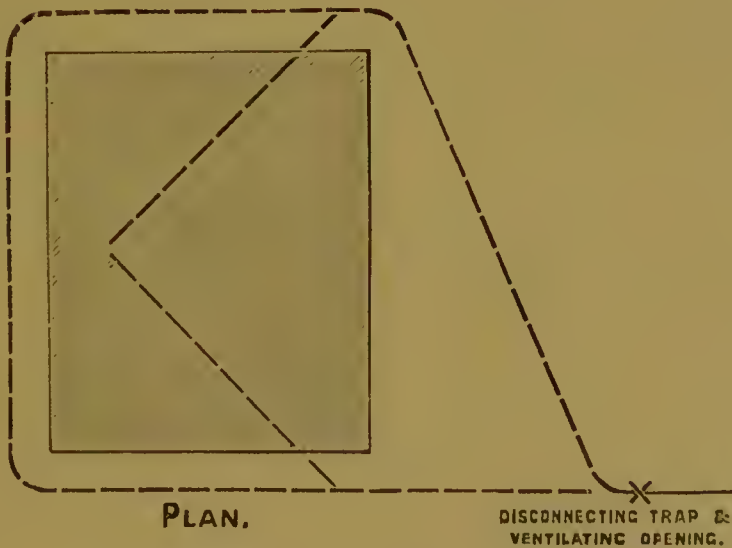
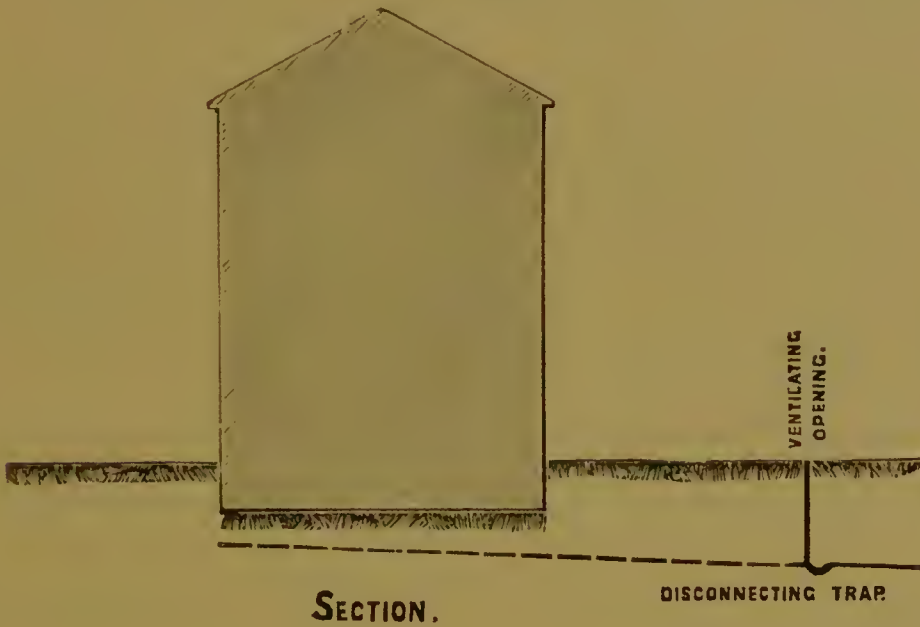


DIAGRAM No. XXIXa.

NOTE.—This clause, which is rendered necessary by the requirement of clause No. 52A, has been added to the series in order to provide for the removal of rain-water from the roofs of new buildings after it has been collected in the gutters required by the above-mentioned clause. As in the case of clause No. 52A, this clause is useful chiefly in rural sanitary districts; the 74th section* of the 10 & 11 Vict., c. 34, rendering it to a great extent unnecessary in urban sanitary districts.

Lowest
storey to
be at level
above
sewer.

61. Every person who shall erect a new building shall construct the lowest storey of such building at such level as will allow of the construction of a drain sufficient for the effectual drainage of such building, and of the provision of the requisite communication with any sewer into which such drain may lawfully empty, at a point in the upper half diameter of such sewer, or with any other means of drainage with which such drain may lawfully communicate.

NOTE.—So many instances occur where buildings have been erected in which cellars and other basement rooms are constructed at a level below that of the outfall of the drains, with a result that in wet seasons the cellars or basement rooms become flooded to a greater or less extent, that the expediency of this clause, as a sanitary precaution, can scarcely be overstated. See also Note to clause No. 10, and the suggested clause No. 10A, as to the preparation of low-lying sites. For the legal interpretation of the words “drain” and “sewer” respectively, see Public Health Act, 1875, sec. 4, Appendix No. II., p. 209.

In the cases of *Travis v. Uttley* (L.R. [1894 1] Q.B. 235), and *Hill v. Hair* (L.R. [1895] 1 Q.B. 906), it is laid down that by section 4 of the Public Health Act, 1875, “drain” means a drain of and used for the drainage of one building only, or premises within the same curtilage, and that “sewer” includes sewers or drains of every description, except drains to which the definition of “drain” applies, and that, therefore, a drain which received the sewage of more than one house was a “sewer” though it was on private ground. By section 13 of the Act of 1875, all “sewers” vest in the Local Authority, who are to keep in repair all “sewers” belonging to them, and to cause such “sewers” to be kept so as not to be a nuisance or injurious to health. Under section 19 of the Public Health Acts Amendment Act, 1890, it is provided that where two or more houses belonging to different owners are connected with a public sewer by a single private drain, the Local Authority may proceed, under section 41 of the Public Health Act, 1875, and may recover the cost of the work executed by them from the owners, and by sub-section 3 it is provided that, for the purposes of this section, the expression “drain” includes a drain used for the drainage of more than one house. The effect of the cases of *Travis v. Uttley* and *Hill v. Hair* is that where one drain receives and conveys to a public sewer the drainage of three houses, all of which belong to the same owner, the drain, although laid through private property, is a “sewer” vested in the Local Authority, who are bound to keep in repair and maintain it, whereas, if the three houses belong to different owners the drain will (where a written application is received under section 41 of the Public Health Act, 1875, and only on receipt of such application) be a private drain, which the owners of the houses may be compelled to maintain, but for all other purposes will remain a sewer vested in the Local Authority.

* This section is printed *in extenso* in Appendix No. II., p. 227.

62. Every person who shall erect a new building shall, in the construction of every drain of such building, other than a drain constructed in pursuance of the byelaw in that behalf for the drainage of the subsoil of the site of such building, use good sound pipes formed of glazed stoneware, or of other equally suitable material.

Materials,
&c., for
drains.

He shall cause every such drain to be of adequate size, and, if constructed or adapted to be used for conveying sewage to have an internal diameter not less than *four inches*, and to be laid in a bed of good concrete, with a proper fall, and with watertight, socketed, or other suitable joints.

Size of
drains.
Drains to
be laid in
concrete,
to have
proper fall,
and suit-
able joints.

He shall not construct any such drain so as to pass under any building, except in any case where any other mode of construction may be impracticable, and in that case he shall cause such drain to be so laid in the ground that there shall be a distance equal at the least to the full diameter thereof between the top of such drain at its highest point and the surface of the ground under such building.

Drains
beneath
buildings

He shall also cause such drain to be laid in a direct line for the whole distance beneath such building, and to be completely embedded in and covered with good and solid concrete, at least *six inches* thick, all round.

to be im-
bedded in
concrete :

He shall likewise cause adequate means of ventilation to be provided in connexion with such drain at each end of such portion thereof as is beneath such building.

and to be
ventilated
at each
end.

He shall cause every inlet to any drain, not being an inlet provided in pursuance of the byelaw in that behalf, as an opening for the ventilation of such drain, to be properly trapped.

Inlets to
drains to be
trapped.

NOTE.—The first paragraph of this clause prescribes the material for drains intended to convey sewage, and it may be useful to remind the non-technical reader that, besides stoneware, cast-iron pipes jointed with lead are occasionally used for house drains, and this with much advantage. Certain cement and concrete pipes are likewise said to answer the purpose very well. With regard to the second paragraph, it will be noted that drains having an internal diameter of *four inches* are permitted, instead of the minimum diameter of *six inches* heretofore usually adopted. It has, however, been found in practice that a four-inch drain properly laid in direct lines, and with uniform gradient between the points at which its course is capable of inspection, will, in most cases, effectually meet all the requirements of an ordinary dwelling-house or other building. And since all increase of diameter beyond that which is actually needed tends to diminish the velocity of the flow of sewage, and hence to lessen its scouring effect, it should,

under ordinary circumstances, be avoided. The sectional area of a four-inch pipe amounts to 12.56 square inches, or less than half that of a six-inch pipe, which is 28.27 square inches, and consequently an equal quantity of water passing along both pipes would have far greater scouring effect in the four-inch pipe than the six-inch pipe. The need for laying such a drain in a bed of good concrete should be recognized even where the soil is stiff clay, since the bottom of the trench in which it is laid is necessarily disturbed ground, lacking the requisite solidity to bear the inevitable pressure resulting from the final "ramming in" of the trench. Sewage, also, from an accidental leakage, will often travel for a distance along the side of a drain or through fissures in the clay.

If a drain must of necessity pass beneath a dwelling-house, the conditions specified in the third, fourth, and fifth paragraphs, should be carried out with a view of keeping the drain free from deposit and from foul air, and also of enabling it to be examined with the least amount of difficulty. (See Diagrams Nos. XXVIII. and XXXIII*a*.) It has, however, been pointed out that, where a person desires that the drain shall be formed of heavy cast-iron pipes, whether it passes beneath a building or elsewhere, he should not be required to embed and cover such pipes with concrete. This is quite a reasonable contention, and the clause could easily be modified to meet such cases. But in all good work it is desirable to provide adequate support for the pipes, and accordingly, where such iron pipes are used (they are ordinarily made in lengths of *nine feet*), the clause, in its modified form should prescribe that adequate supports, in the form of suitable and sufficient piers constructed of concrete shall be formed under such length of iron pipe.

Drains to
be trapped
from
sewer.

63. Every person who shall erect a new building shall provide, within the curtilage thereof, in every main drain or other drain of such building which may directly communicate with any sewer or other means of drainage into which such drain may lawfully empty, a suitable trap at a point as distant as may be practicable from such building and as near as may be practicable to the point at which such drain may be connected with such sewer or other means of drainage.

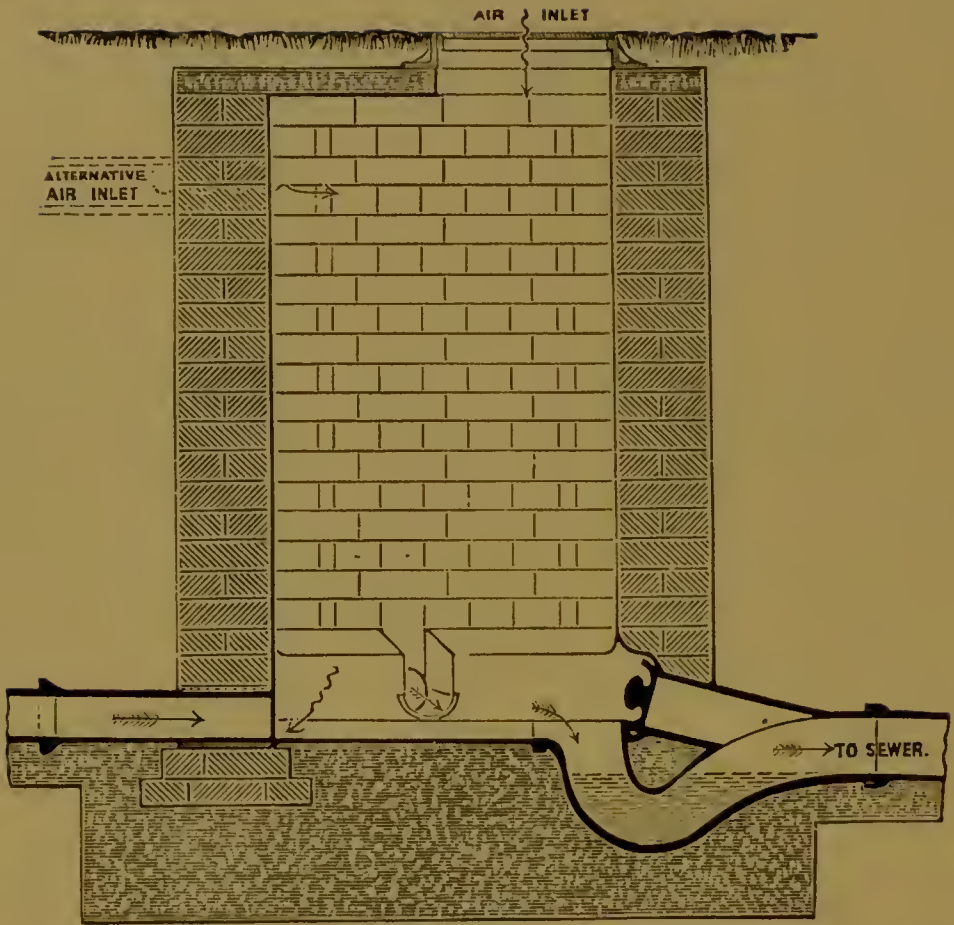
NOTE.—The object of this clause, which will be readily understood on reference to Diagrams Nos. XXVI., XXVII., and XXVIII., is to prevent foul air, as from public sewers, from making its way into house drains. Public sewers ought to be ventilated otherwise than through house drains; the more so as it is in the power of householders to ensure the efficiency of their own drains, but they are unable to control faulty construction leading to deposit, &c., in public sewers. It is also only by the adoption of such a clause that houses can be protected against the influence of infectious matters received into the common sewers. In a similar way buildings should be protected against foul air from cesspools when such means of drainage outfall have to be adopted.

It should be considered whether the words "within the curtilage thereof" ought, in all cases, to be retained, inasmuch as where houses abut immediately on the street the permission of the Sanitary Authority may have to be obtained to place the trap in such a position that its necessary ventilating aperture should be in the public thoroughfare outside such curtilage (see Diagram No. XXVIII.)

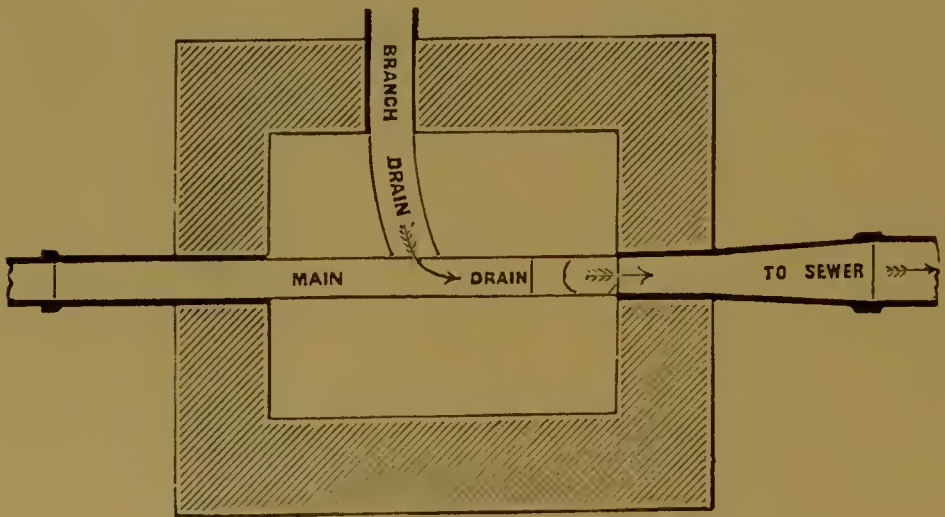


DIAGRAM No. XXXa.

The above Diagram, No. XXXa., shows at A, a suitable trap to meet the requirements of this clause. It will be observed that it has a flat bottom, which goes far to ensure it being fixed level—a matter of importance for securing the efficiency of the trap. The drain-inlet, moreover, is well above the level of the outlet of the trap, which tends to increase the force of the current of sewage through the trap, and so to promote its power of self-cleansing. The open top just above the inlet can be continued up to the ground level, so that, while it affords an inlet for fresh air to the house-drains (see Diagrams Nos. XXIX. and XXX.), it likewise affords ready access to the trap in the best position for removing obstacles. The smaller opening just above the outlet can be utilized, if necessary, for clearing the drain between the trap and the sewer or cesspool, but it should be kept closed unless, in the case of a private cesspool, it be used as a means of ventilating the cesspool. The trap B, in Diagram No. XXXa., is one not uncommonly used, but, for various reasons, it is unsuitable for the purpose, especially on account of the facility with which it becomes obstructed, and with which floating matters accumulate in the central vertical shaft, thus creating a nuisance. Diagram No. XXXI. shows a suitable disconnecting chamber with a branch drain delivering into the open channel which traverses the floor of the “chamber;” also an excellent form of disconnecting trap. This disconnecting chamber may be covered with a grating so as to afford the necessary air communication with the drains, for purposes of ventilation, or, if a solid cover be desired, an alternative opening for drain ventilation, as required by clause No. 65, can be formed by a pipe through one side, communicating with an air-shaft above ground.



SECTION.



PLAN.

HARE

DIAGRAM No. XXXI.

No right-
angled
drain junc-
tions.

64. A person who shall erect a new building shall not construct the several drains of such building in such a manner as to form in such drains any right-angled junction, either vertical

or horizontal. He shall cause every branch drain or tributary drain to join another drain obliquely in the direction of the flow of such drain.

NOTE.—The necessity for this regulation is very generally recognized, though in certain classes of work it is commonly neglected. Tributary drains, whether vertical or horizontal, ought always to be formed with proper bends, delivering in the direction of the flow, and at the side of the drain into which they discharge. Where a tributary drain joins another drain vertically and at a right angle, it is liable to lead to accumulation of deposit. The prohibited junction and the proper junction are shown in Diagram No. XXXIIa.

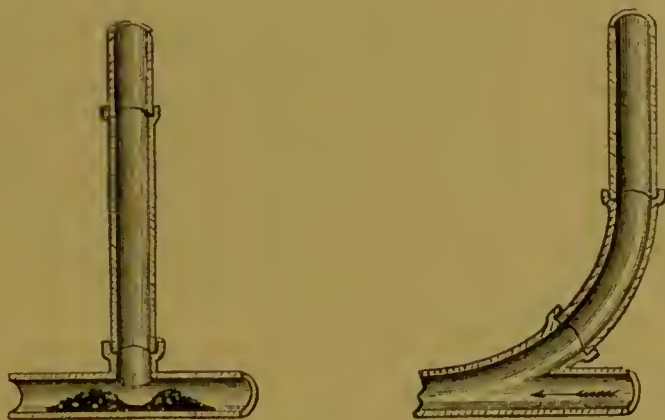


DIAGRAM No. XXXIIa.

65. Every person who shall erect a new building shall, for the purpose of securing efficient ventilation of the drains of such building, comply with the following requirements:—

Ventila-
tion of
house
drains

(i.) He shall provide at least two untrapped openings to the drains, and, in the provision of such openings, he shall adopt such of the two arrangements herein-after specified as the circumstances of the case may render the more suitable and effectual.

(a.) One opening, being at or near the level of the surface of the ground adjoining such opening shall communicate with the drains by means of a suitable pipe, shaft, or disconnecting chamber, and shall be situated as near as may be practicable to the trap which, in pursuance of the byelaw in that behalf, shall be provided between the main drain or other drain of the building, and the sewer or other means of drainage with which such drain may lawfully communicate. Such opening shall also in every case be situated on that side of the trap which is the nearer to the buiding.

The second opening shall be obtained by carrying up from a point in the drains, as far distant as may be practicable from the

point at which the first-mentioned opening shall be situated, a pipe or shaft, vertically, to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*.

(b.) In every case where the foregoing arrangement of the openings to the drains may be impracticable, there shall be substituted the arrangement herein-after prescribed.

One opening shall be obtained by carrying up from a point, as near as may be practicable to the trap, which, in pursuance of the byelaw, in that behalf, shall be provided between the main drain or other drain of the building and the sewer or other means of drainage with which such drain may lawfully communicate, a pipe or shaft, vertically, to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*. Such opening shall also in every case be situated on that side of the trap, which is the nearer to the building.

The second opening, being at a point in the drains as far distant as may be practicable from the point at which such last-mentioned pipe or shaft shall be carried up, shall be at or near the level of the surface of the ground adjoining such opening, and shall communicate with the drains by means of a suitable pipe or shaft.

(ii.) He shall cause every opening provided in accordance with either of the arrangements herein-before specified to be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in or injury to any pipe or drain by the introduction of any substance through any such opening. He shall, in every case, cause such grating or cover to be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted.

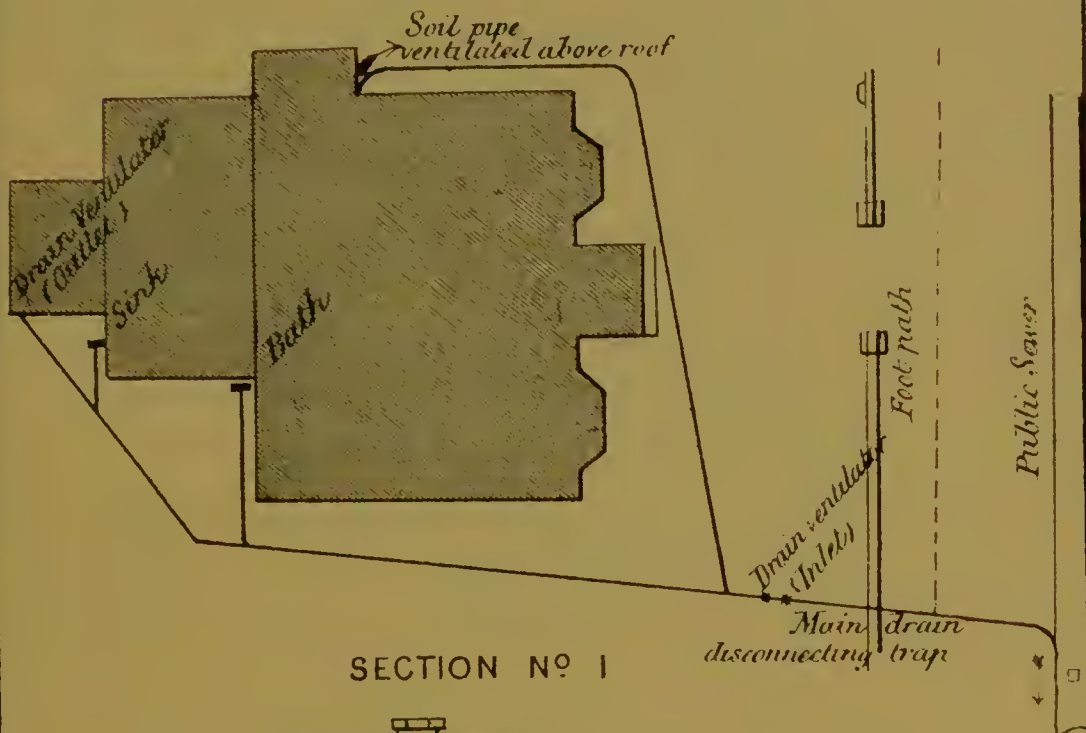
(iii.) Every pipe or shaft which may be used in connexion with either of the arrangements herein-before specified shall be of a sectional area not less than that of the drain with which such pipe or shaft may communicate, and not less in any case than the sectional area of a pipe or shaft of the diameter of *four inches*.

(iv.) No bend or angle shall (except where unavoidable) be

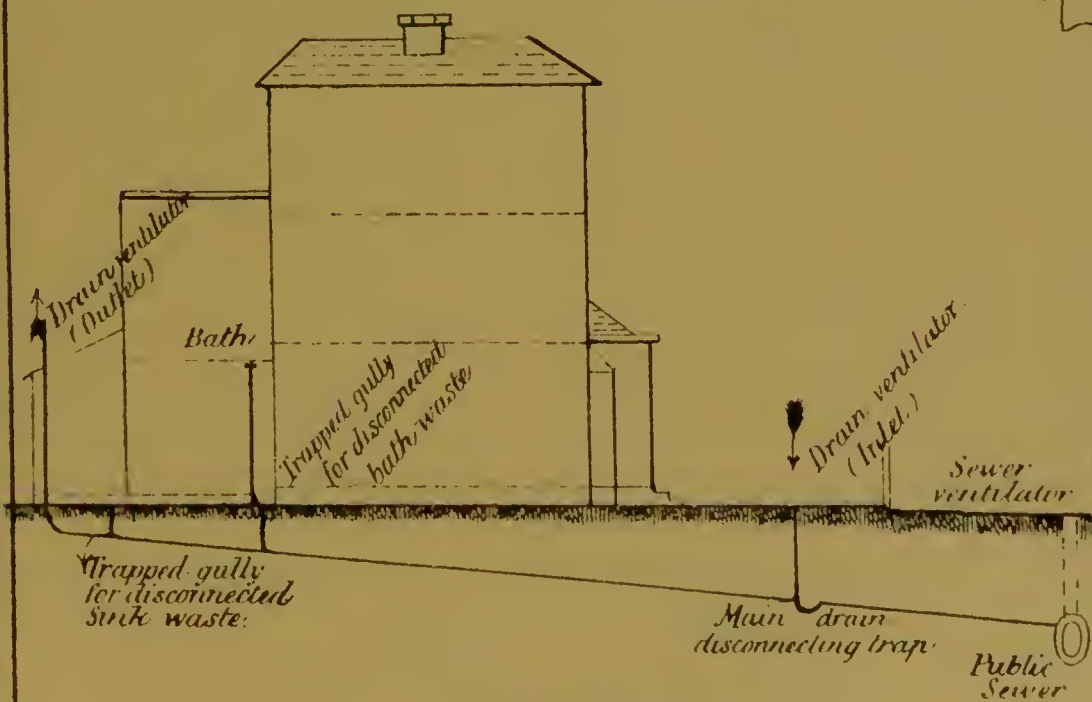
HOUSE DRAIN ARRANGEMENTS. DETACHED HOUSES.

Diagram N° XXVI.

PLAN N° 1



SECTION N° 1



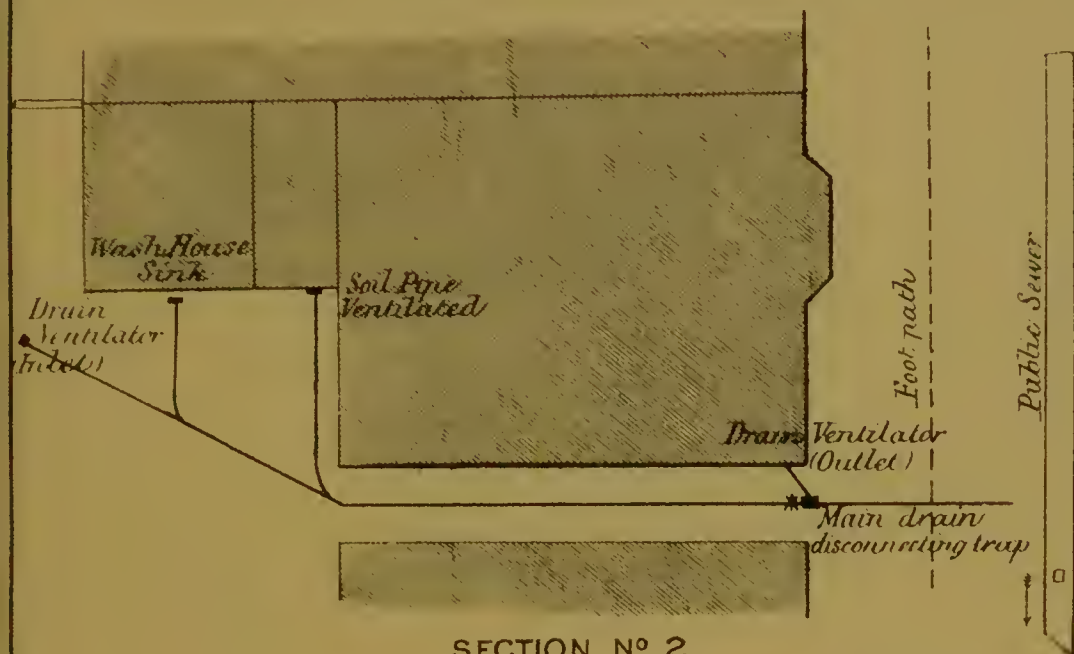
Scale 20ft. to 1in.

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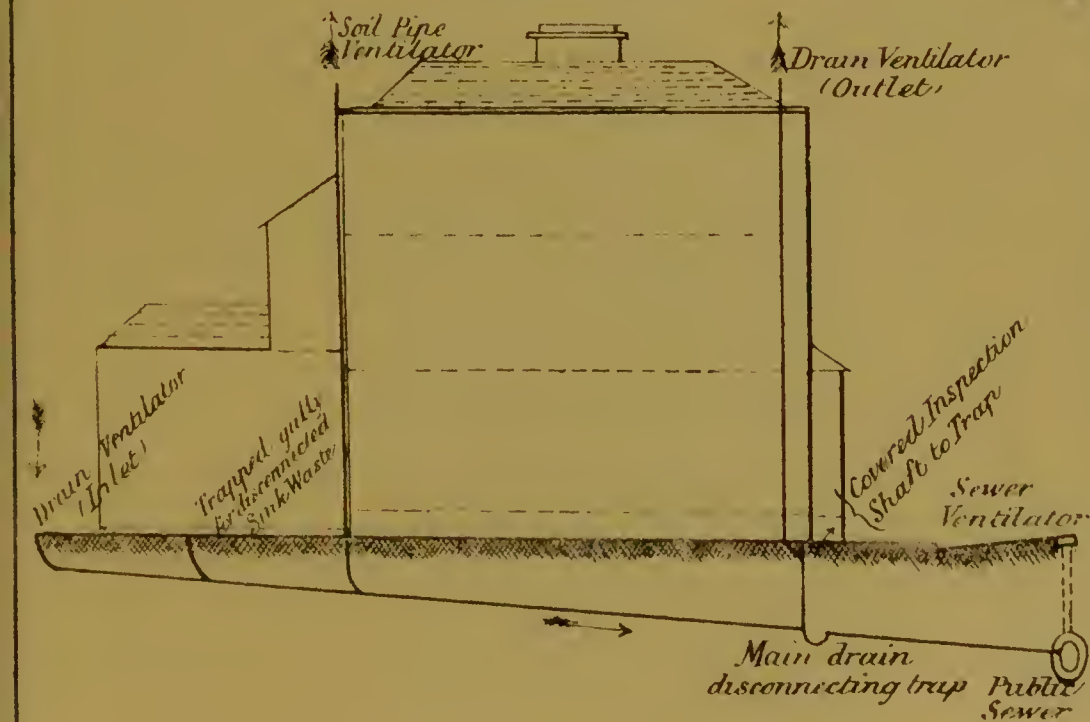
HOUSE DRAIN ARRANGEMENTS. SEMI-DETACHED HOUSES.

Diagram N° XXVII.

PLAN N° 2



SECTION N° 2



Scale 20ft. to 1in.

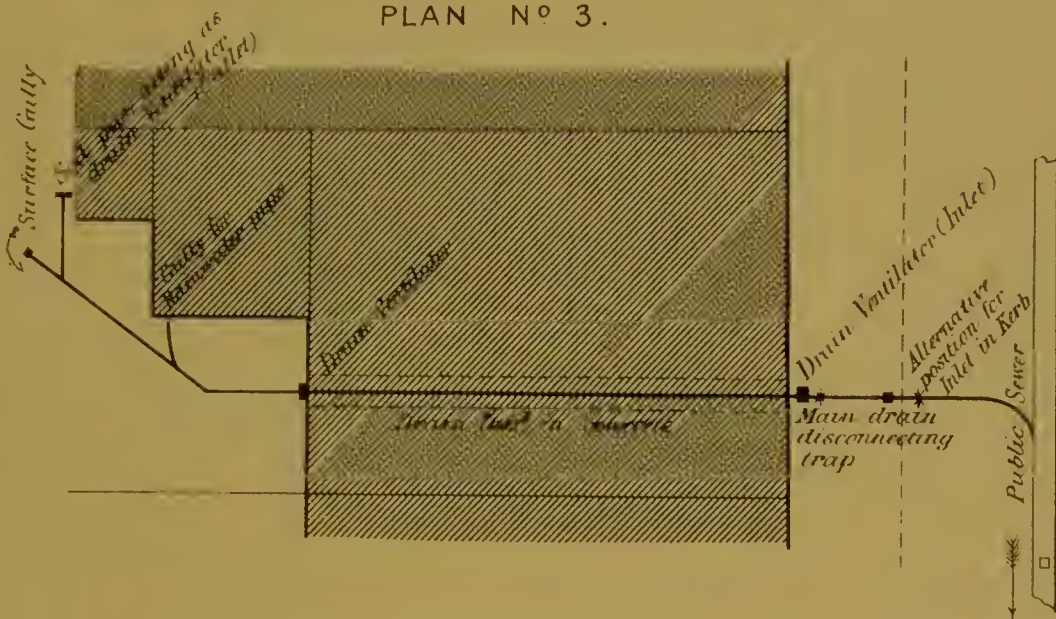
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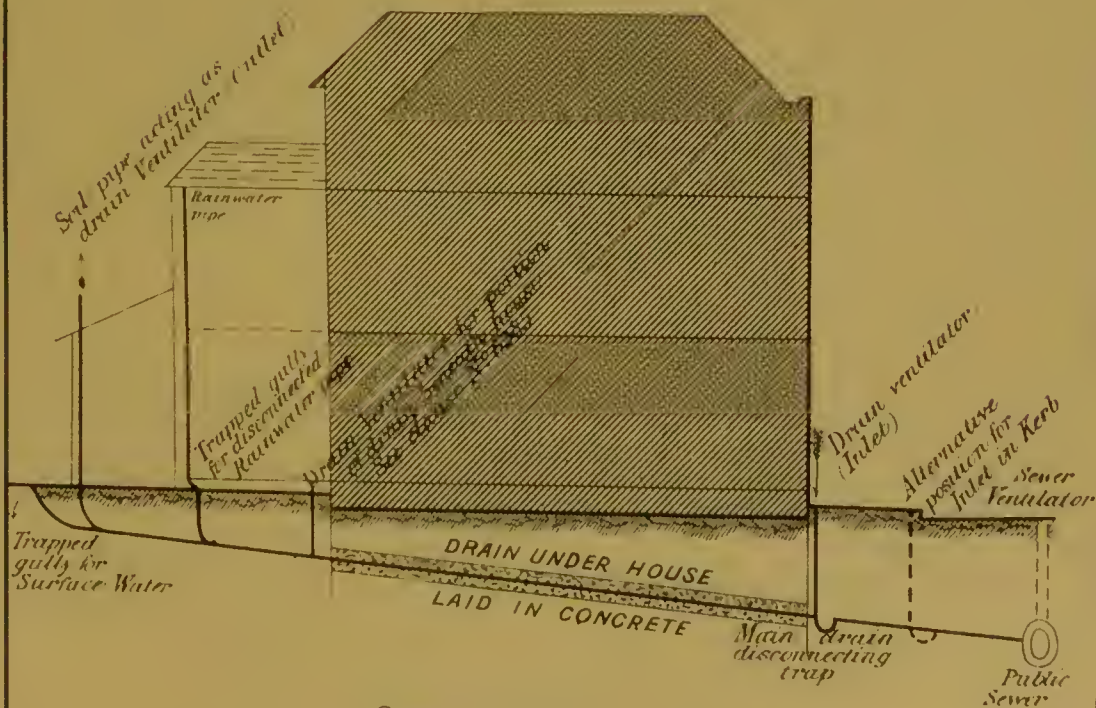
HOUSE DRAIN ARRANGEMENTS. ATTACHED HOUSES.

Diagram N° XXVIII.

PLAN N° 3.



SECTION N° 3.



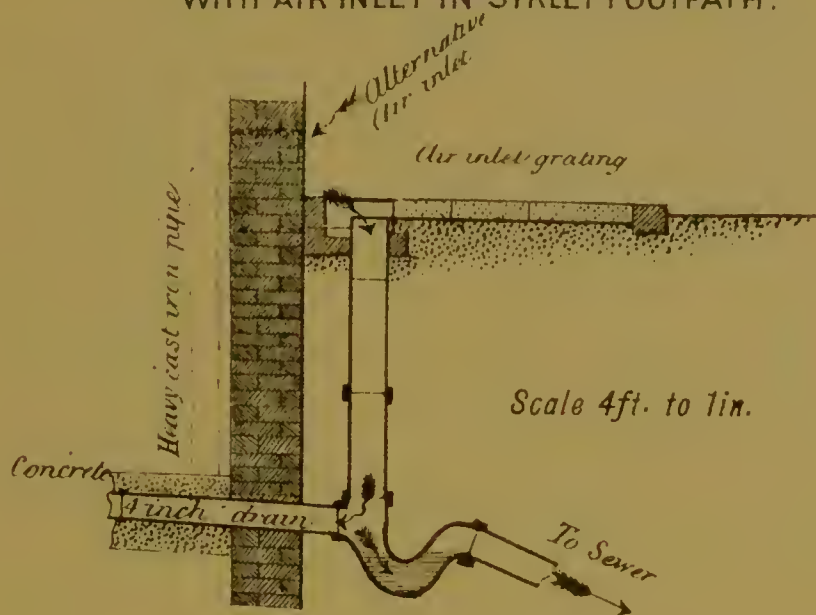
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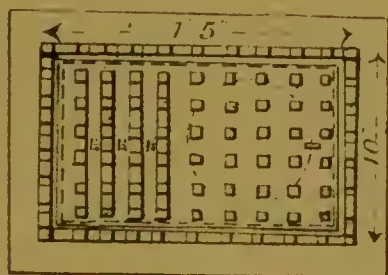
HOUSE DRAIN ARRANGEMENTS.

Diagram No XXIX.

DETAIL OF MAIN DRAIN DISCONNECTING TRAP
WITH AIR INLET IN STREET FOOTPATH.



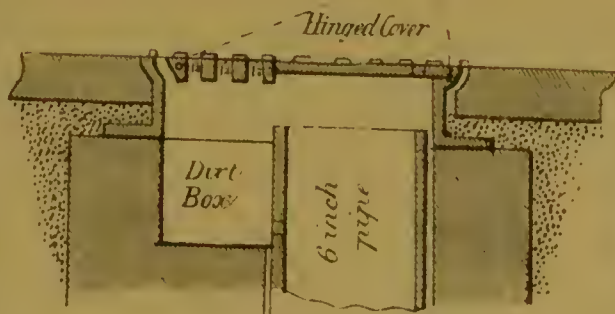
GENERAL SECTION.



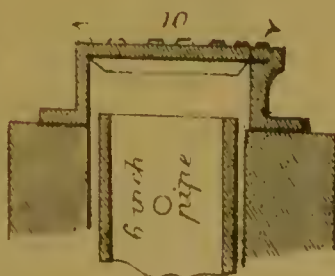
PLAN OF COVER.

DETAILS OF AIR INLET
IN FOOTPATH.

Scale 1ft. to 1in.



SECTION.



CROSS SECTION.

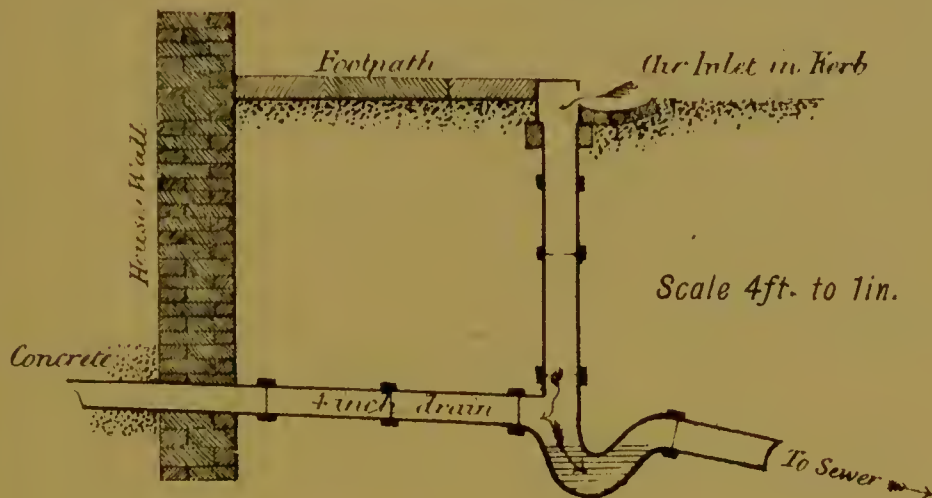
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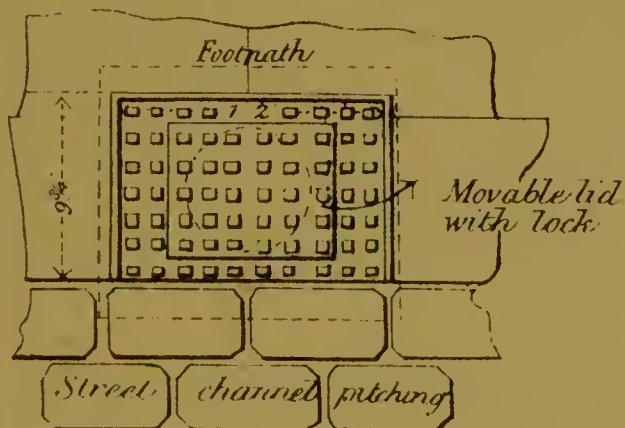
HOUSE DRAIN ARRANGEMENTS.

Diagram N^o XXX.

MAIN DRAIN DISCONNECTING TRAP WITH
AIR INLET IN KERB OF STREET FOOTPATH.



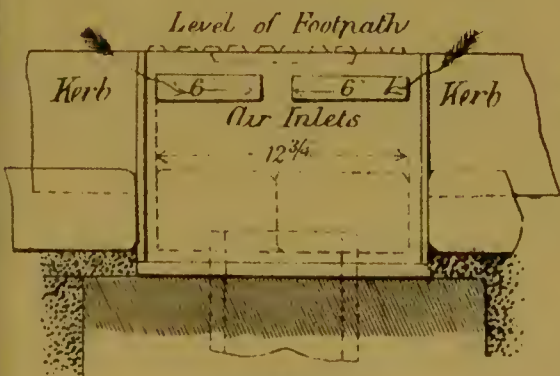
GENERAL SECTION.



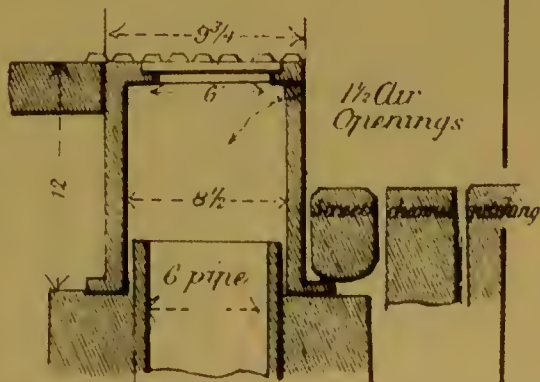
DETAIL OF AIR INLET
IN KERB.

Scale 1ft. to 1in.

PLAN.



ELEVATION.



SECTION.

Rogers Field M. Inst. C.E.



formed in any pipe or shaft used in connection with either of the arrangements herein-before specified.

(v.) Provided always, that for the purpose of either of the arrangements herein-before specified the soil pipe of any water-closet, in every case where the situation, sectional area, height, and mode of construction of such soil pipe shall be in accordance with the requirements applicable to the pipe or shaft to be carried up from the drains, may be deemed to provide the necessary opening for ventilation which would otherwise be obtained by means of such last-mentioned pipe or shaft.

NOTE.—This clause is intended to secure efficient ventilation in the drains of a new building. The clause is necessarily somewhat lengthy and cumbersome, owing partly to its having been found desirable to give two alternate ways (*a*) and (*b*) of carrying out the principle of the byelaw.

It is important to explain that, since by a preceding clause (No. 63) sewer-air or cess-pool air has been excluded from the drains of the building by an efficient trap at their lower extremity, the ventilation to be provided under this clause is wholly restricted to the house-drains themselves; hence, whatever air comes out of them, must, if the trap prescribed by clause No. 63 act efficiently, be the air of the house-drains only.

The fundamental principle of the clause is contained in sub-section (i.), where it is laid down that, for efficient ventilation, it is essential to provide at least *two* untrapped openings in the drains. These openings are required to be respectively as near the lower and upper extremities of the drains as practicable. Paragraph (*a.*) assumes that there is some open space belonging to the building in front of it, such as a garden or forecourt, or an open area as in many London houses. It prescribes that one of the two requisite openings is to be at or near the ground level, and is to consist of a suitable pipe or shaft (as in Diagrams Nos. XXVI. and XXVIII.), or a disconnecting chamber or man-hole (as in Diagram No. XXXI.) placed as near as practicable to, but on the house side of, the trap prescribed by clause No. 63. It then prescribes that the second opening is to be by a vertical pipe or shaft carried up as far distant from the other opening as practicable—*i.e.*, at the upper extremities of the drain—to a height of at least *ten feet*, but so as to avoid risk of discharging drain-air into any building. The arrangement of the ventilating openings prescribed in (*a.*) will be more easily understood by reference to Diagram No. XXXIII*a*.

Paragraph (*b.*) prescribes an alternative arrangement of the ventilating openings, to meet cases where the building actually abuts upon the street in front, and consequently has no forecourt or area of any kind in which the first-mentioned opening could be formed. In this case a vertical pipe or shaft is required to be carried up from the lower end of the drain, immediately on the house side of the trap prescribed by clause No. 63, to a height of at least *ten feet*, and so as to be safe from discharging drain-air into the building. The second opening is then required to be as far distant from the other opening as practicable,—*i.e.*, at the upper extremity of the drain—but is to terminate at or near the ground level; as, for example, in an untrapped gully in a back yard. This arrangement of the ventilating openings is illustrated in Diagram No. XXVII.

By either of the above methods facilities are provided for the passage of a constant current of fresh air through the entire length of house-drain. Hence

the entrance of drain air, as such, into the house, is rendered practically impossible.

Sub-section (ii.) prescribes that the openings required in the paragraphs (a.) and (b.) are to be protected by suitable gratings or covers, the apertures therein being at least equal in the aggregate to the sectional area of the drain beneath.

Sub-section (iii.) prescribes that the pipe or shaft forming either of the ventilating openings mentioned in the preceding sub-section is to be of a sectional area not less than that of the drain it is intended to ventilate. This requirement may perhaps be regarded as somewhat inconvenient. Bearing in mind, however, that a drain of a larger diameter than *six inches* ought never to be requisite in an ordinary house, and that, if properly laid and furnished with proper means of access and flushing, a four-inch drain is, as a rule, found to be adequate, the hardship or inconvenience of providing ventilating pipes of equal sectional area with the drains ceases to exist. In the case of a four-inch drain, moreover, the soil-pipe, which is required to be four inches in diameter (see clause No. 66), may be made to adequately serve as one of the ventilating pipes of the drain.

Sub-section (iv.) prohibits the formation of needless bends and angles in the ventilating pipes. It has been estimated that a single right angle in an air-pipe impedes the passage of air along it to the extent of some 50 per cent. ; it will therefore be readily perceived that all needless bends and angles so commonly seen in carrying ventilating pipes past projecting eaves, &c., should be avoided.

Sub-section (v.) permits the soil-pipe of a watercloset to be used as one of the requisite drain ventilating pipes or shafts where, in point of size, position, and other particulars, it complies with the conditions laid down for such pipes.

The annexed lithograph diagrams, which have been specially prepared for this work by Mr. Rogers Field, Member of the Institution of Civil Engineers, will be found of material assistance in explaining how the requirements of this clause should be carried out.

Diagram No. XXVI. shows a detached house having a forecourt separating it from the street. Here the disconnecting trap required by clause No. 63 is provided in the drain at a short distance within the front boundary fence of the premises, and immediately on the house side of this trap, and at the ground level as required in paragraph (a.), is the inlet ventilator to the main drain, while at the farthest point therefrom—namely, the highest part of the drain—the outlet-ventilator is carried up to a height of at least *ten feet*, and of course away from windows, ventilators, and chimney tops. At intermediate points are trapped gullies for receiving the waste water from the bath and the scullery sink, while at another point, serving as a ventilator to a tributary drain, is the soil-pipe from a watercloset. The inlet ventilator may usefully be in the form of a man-hole with a grating cover as shown in Diagram No. XXXI. Indeed, every proper system of drains ought to be provided with means of access to them for purposes of inspection and cleansing—such arrangements will often obviate the necessity for opening the ground and breaking the drain pipes, which occasionally has to be done to remove obstructions.

Diagram No. XXVII. shows a semi-detached house having no forecourt, but abutting directly on the street. In this case the main drain is brought along the side of the house, and the disconnecting trap required by clause No. 63 is provided just before the drain passes into the public footpath. From the house side of this trap a ventilating shaft is carried up not less than *ten feet* in height, as required by paragraph (b.), and the second requisite ventilating opening is formed at the ground level in the back yard. At intermediate points are the ventilated

soil-pipe of a watercloset and the trapped gully for receiving the waste water from the scullery sink.

Diagram No. XXVIII. shows a terrace house—attached on either side—abutting on the street. In this instance the drain, where it of necessity passes beneath the house, is embedded in and surrounded with concrete, and has a ventilating opening at each end thereof (as required by the fourth and fifth paragraphs of clause No. 62). Here the trap required by clause No. 63 is placed outside the curtilage of the premises, beneath the street itself, and the ventilating opening immediately on the house side of it, being at the ground level, occurs either in the surface of the footpath or in the kerbing. See second paragraph of Note to clause No. 63. Diagrams Nos. XXIX. and XXX. show the arrangement of these traps and ventilating openings to a large scale, together with details. In Diagram No. XXIX. the opening is in the surface of the footpath, and is covered by a cast-iron lid duly perforated, and beneath the perforation is a small dirt-box, with “weeper,” for allowing rain-water to pass away.

In Diagram No. XXX. the ventilating opening is formed in the vertical side of the kerbing by means of a properly made cast-iron box covering the top of the shaft, but having the requisite openings in the vertical side next the channelling. A movable lid is formed in the top in order to afford access to the trap.

If from any cause the requisite ventilating opening cannot be formed in the footway, or in the kerb, it may be arranged—as shown by dotted lines in the general section, Diagram No. XXIX.—by means of heavy cast-iron piping, in long lengths well caulked at the joints, either in a chase in the wall of the building or immediately against the inner face of the wall, with a bend at the top leading to an opening in the outer face of the wall just above the ground level.

Where the watercloset accommodation on any premises is outside the dwelling-house, and there is no communication with a drain for other purposes inside the house, the arrangements contemplated in the foregoing clause may be modified so as to dispense with the ventilating shafts altogether where the distance between the watercloset and the trap which is required by model clause No. 63 is not more than *ten feet*, and so as to require only one such shaft where the distance between the watercloset and the trap does not exceed *thirty feet*. The following proviso has been framed to give effect to this arrangement:—

Provided always, that where a watercloset shall be constructed so as not to have any internal communication with any building, and where the distance between the watercloset and the trap which, in pursuance of the byelaw in that behalf, shall be provided between the drain with which such watercloset communicates, and the sewer or other means of drainage into which such drain may lawfully empty, shall be not more than *ten feet*, or shall be more than *ten feet* and not more than *thirty feet*, the following provisions shall have effect, that is to say:—

(a.) Where such distance shall be not more than *ten feet*, the requirements of this byelaw shall not apply to the case.

(b.) Where such distance shall be more than *ten feet*, but

Ventilation of drains not communicating with house.

shall not be more than *thirty feet*, an opening shall be obtained by carrying up from a point in the drain with which the water-closet communicates, as far distant as may be practicable from the trap which, in pursuance of the byelaw in that behalf, shall be provided between such drain and the sewer or other means of drainage into which it may lawfully empty, a pipe or shaft, vertically to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*, and such pipe or shaft shall be of a sectional area not less than that of the drain with which it may communicate, and not less in any case than the sectional area of a pipe or shaft of the diameter of *four inches*.

No inlet
to drains
within
buildings.

66. A person who shall erect a new building shall not construct any drain of such building in such a manner as to allow any inlet to such drain (except such inlet as may be necessary from the apparatus of any watercloset) to be made within such building.

Size, situa-
tion, and
ventilation
of soil
pipe.

He shall cause the soil pipe from every watercloset in such building to be at least *four inches* in diameter, and to be fixed outside such building, and to be continued upwards without diminution of its diameter, and (except where unavoidable) without any bend or angle being formed in such soil pipe to such a height and in such a position as to afford, by means of the open end of such soil pipe, a safe outlet for sewer air.

Soil pipe
not to be
trapped at
foot.

He shall so construct such soil pipe that there shall not be any trap between such soil pipe and the drains, or any trap (other than such as may necessarily form part of the apparatus of any watercloset) in any part of such soil pipe.

Waste
pipes to
discharge
in the open
air.

He shall also cause the waste pipe from every bath sink (not being a slop sink constructed or adapted to be used for receiving any solid or liquid filth), or lavatory, the overflow pipe from any cistern and from every safe under any bath or watercloset, and every pipe in such building for carrying off waste water, to be taken through an external wall of such building, and to discharge in the open air over a channel leading to a trapped gully grating at least *eighteen inches* distant.

Slop-sinks
to be as
water-
closets.

He shall, as regards the mode of construction of the waste pipe from any slop sink constructed or adapted to be used for

receiving within such building any solid or liquid filth, comply in all respects with such of the provisions of this byelaw as are applicable to the soil pipe from a watercloset.

NOTE.—The objects of this clause are to effectually prevent the passage of drain-air into buildings :—

The first paragraph contains the important prohibition of any drain opening inside a building, thus rendering it unnecessary for any drain to be brought through the walls of or beneath a building, as is frequently but very improperly done—as, for example, in order to connect the drain with a gully in the cellar. In such a case the cellar should have a surface channel leading to an external area or to an external gully-trap.

The second paragraph deals with the soil-pipe of a watercloset, and, after prescribing the minimum size, requires it to be fixed on the outside of the building, where it is far less likely to be a source of danger than is possible if it be fixed inside the building. Such an arrangement ought not to be difficult in a new building. It next requires the soil-pipe to be extended upwards as shown in Diagrams Nos. XXVII. and XXVIII*a*.

The provisions of the third paragraph are desirable in order to avoid a useless impediment in the passage of sewage from the soil-pipe to the drain. They are likewise essential where, as in Diagram No. XXXIII*a*., the soil pipe is used as a means of securing the through ventilation of the house drain under clause No. 65. An air-pipe to prevent the untrapping by suction of the trap beneath the watercloset apparatus or scullery sink may be necessary in some instances, but as it forms no part of the requirements of the clause it has not been included in the diagram.

The requirements of the fourth paragraph relate to waste-pipes and the like, and are important as securing the necessary break in the continuity of air in the waste-pipe and drain, but there would be advantage if a paragraph were added to the clause requiring the provision of a trap in the waste-pipe from every bath, sink, lavatory, &c. A trap of a suitable sort is shown in Diagrams Nos. XXXIII*a*. and XXXII. These diagrams also show how a rain-water pipe should be disconnected from the drains—a point that it would likewise be well to enforce by a special regulation. It is always to be remembered that gullies, even above the water-trap in them, tend to become foul, and waste-pipes soon become coated on the inside with offensive matter. For these reasons it is in practice found expedient not only to provide a trap in every waste-pipe, as above suggested, but to arrange such pipe so that it shall not deliver directly over or into a gully; the outlet of the waste-pipe being a certain distance at one side of or opposite the gully. See Diagram No. XXXIV. This, moreover, ensures the mouth of the waste-pipe being visible and also accessible for the ready removal of filth in the waste-pipe itself as well as in the gully. Mr. Rogers Field has further prepared Diagram No. XXXIII., which, though it does not strictly comply with the requirements last referred to, nevertheless shows a way of disconnecting the waste-pipe of a scullery sink in a basement storey from the drain when there is no area outside the external wall. It will be observed that at the bottom of the trap is an iron bucket (tarred and sanded to prevent rust), which may be lifted out by means of the long handle provided, and thus grease and sediment in the trap can be frequently and periodically removed.

The slop-sink referred to in the fifth paragraph relates only to such sinks as are commonly used in hospitals and elsewhere, and which, since they receive excreta, should in point of construction be dealt with as waterclosets. Ordinary housemaid's sinks are not here referred to.

As bearing upon the requirements of this clause, it may be useful to refer to the case of the *Guardians of the Chertsey Union, acting as Rural Sanitary Authority*, Appellants, v. *Walter Friere Marreco*, Respondent (Queen's Bench

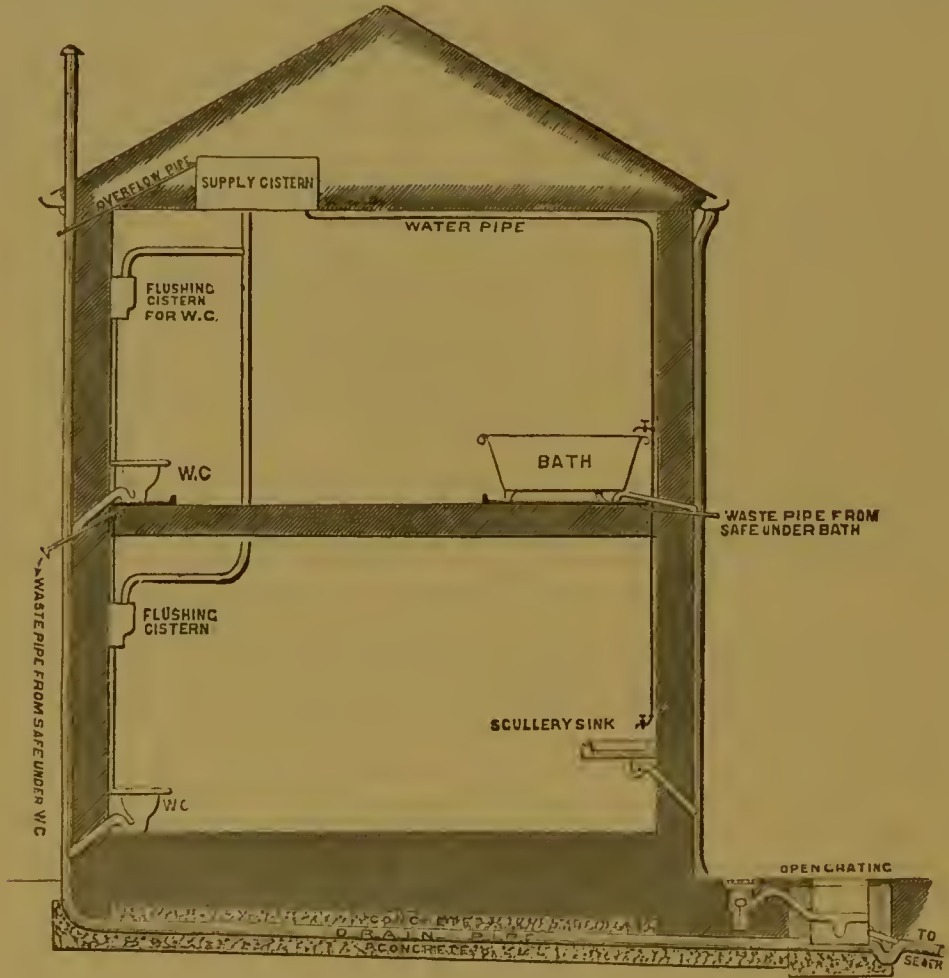


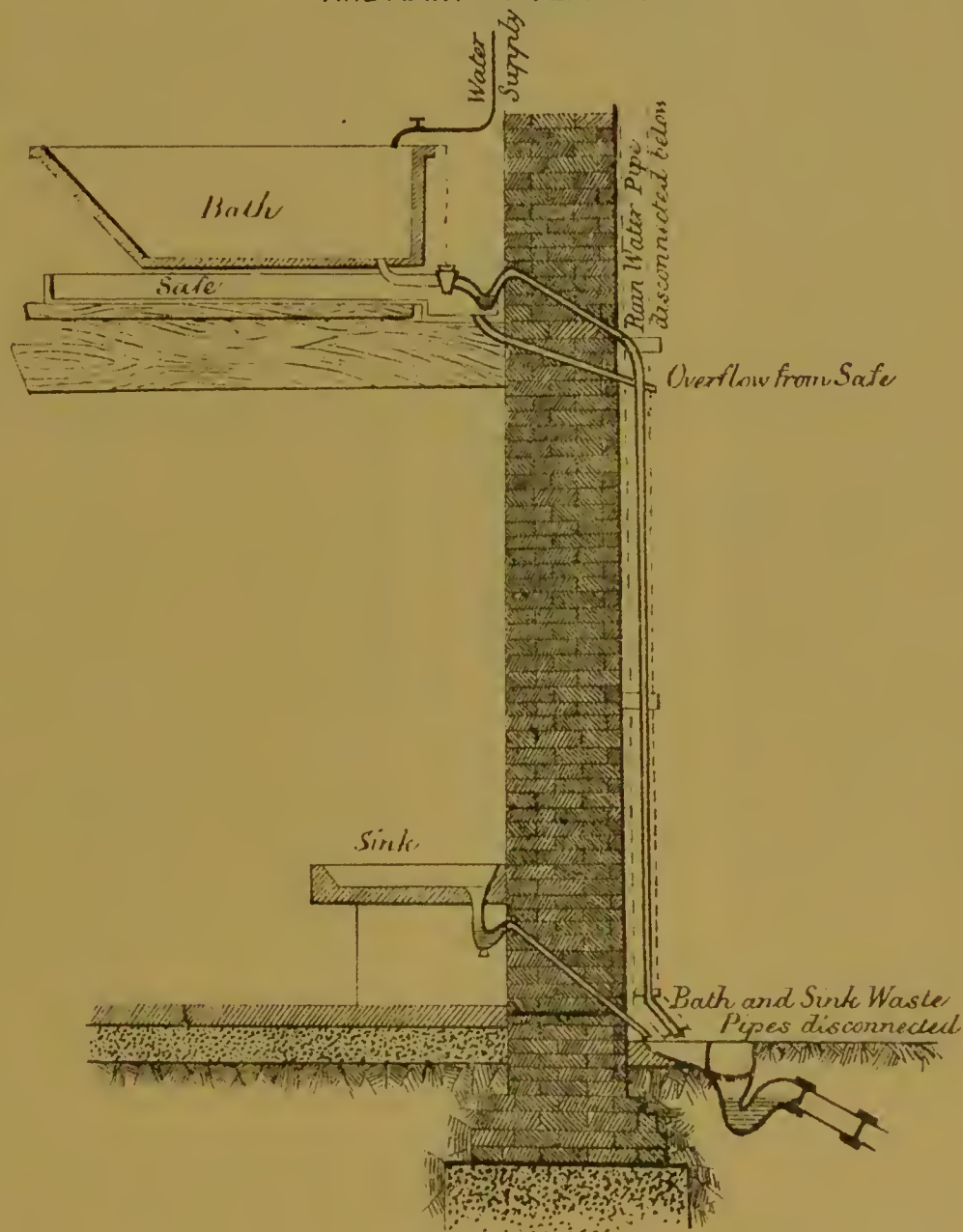
DIAGRAM No. XXXIIIa.

Division, March 14th, 1884), in which an appeal was brought by the Chertsey Rural Sanitary Authority against a decision of the Justices of Chertsey, dismissing a complaint against Mr. Marreco for breaches of the building byelaw (made under the Public Health Act, 1875, and duly confirmed by the Local Government Board) which directs that the soil pipes to every new building shall be at least four inches in diameter, and be fixed outside the building; and that every pipe for carrying off water should be taken through an external wall, and discharge in the open air over a trapped gully grating. Mr. Gillespie, at the hearing before the justices, contended that such byelaw was *ultra vires* and invalid, and a majority of them appear to have adopted this view, dismissing the case. The Sanitary Authority gave notice of appeal against such decision as erroneous in point of law. The Court of Appeal, after hearing Mr. Leigh Bennett for the appellants and reading the special case, no counsel appearing for the respondent, ordered that the determination of the justices, dismissing the

HOUSE DRAIN ARRANGEMENTS.

Diagram No XXXII.

DRAINAGE FROM SINK, BATH AND RAIN WATER PIPE.



Scale 4ft. to 1in.

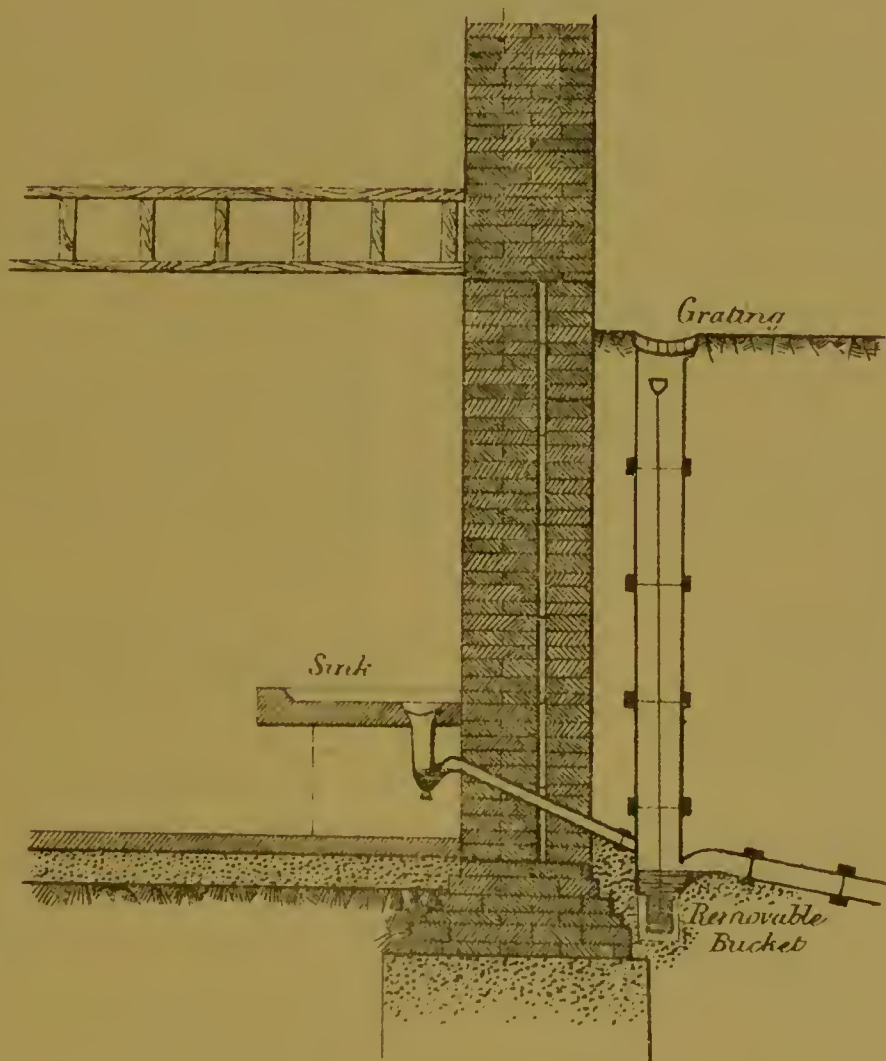
Rogers Field M.Inst. C.E.



HOUSE DRAIN ARRANGEMENTS.

Diagram N° XXXIII.

DRAINAGE FROM SINK IN BASEMENT.



Scale 4ft. to 1in.

Rogers Field M. Inst. C.E.



complaint, should be reversed, and that the case should be remitted to the said justices to be re-heard by them. This decision fully establishes the validity of the important sanitary provision contained in the byelaws.

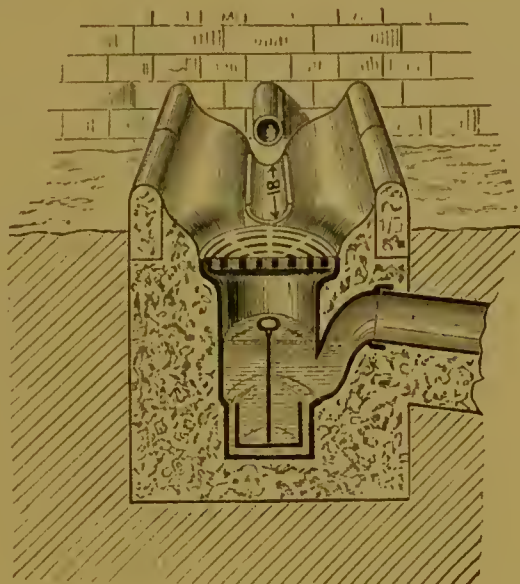


DIAGRAM No. XXXIV

With respect to waterclosets, earthclosets, privies, ashpits, and cesspools in connexion with buildings.

NOTE.—The words “earthclosets” and “privies” should not be erased from the above heading even in the case of towns where it is desired that waterclosets should be universally adopted, because such alternative forms of closet accommodation are expressly recognised as permissible under sections 35, 36, and 37 of the Public Health Act, 1875, (see pp. 211, 212). If, however, it be desired to avoid, as far as possible, the erection of such structures as privies, this may, perhaps, be best effected by applying every stringency that can reasonably be embodied in byelaws, both to their construction and to their scavenging. See also Note as to Cleansing of Privies, &c., p. 21. It will be observed that no provision is made in the Model Code for regulating the construction of trough closets with automatic flushing apparatus. Sanitary authorities would do well, when making or revising byelaws for their district, to consider whether, as closets of the kind referred to have been found to be well adapted for out-door use in connexion with schools and other institutions, occasions may not arise when such closets might be advantageously adopted in the case of some new building in the district. In that event, modification of certain of the model clauses would be necessary in order to permit of the construction of such closets.

In the case of *Burton, Appellant, v. Acton, Respondent* (51 J.P., 566), tub-closets were held to be privies, and they can, therefore, be regulated as such.

67. Every person who shall construct a watercloset or earth-closet in a building shall construct such watercloset or earth-closet in such a position that one of its sides at the least shall be an external wall.

Position of
water-
closets and
earth-
closets.

NOTE.—It becomes necessary that at least one of the enclosing walls shall be an external wall, both in connexion with the following clause, No. 68, and in order to assist in preventing the carrying of the soil pipe through the interior of any building in which a watercloset may be situated. See clause No. 66, paragraph 2.

Every water-closet or earthcloset to have external windows.

68. Every person who shall construct a watercloset or earthcloset in connexion with a building, whether the situation of such watercloset or earthcloset be or be not within such building, shall construct in one of the walls of such watercloset or earthcloset a window of not less dimensions than *two feet by one foot*, exclusive of the frame, and opening directly into the external air.

Water-closet or earthcloset to have additional and permanent ventilation.

He shall, in addition to such window, cause such watercloset or earthcloset to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such watercloset or earthcloset, or by an air shaft, or by some other effectual method or appliance.

NOTE.—The difficulty, if not impossibility, of efficiently ventilating a watercloset or an earthcloset except by means of at least one window opening directly into the outer air, renders the first paragraph of this clause absolutely necessary. The size of the window very generally provided is quite insufficient to secure even the proper lighting of a watercloset, a point on which its cleanliness is very largely dependent. Hence it becomes further necessary to specify a minimum size of window, and in order to ensure that the window sash shall be made to open, the following words may properly be added at the end of paragraph 1 of the clause: "He shall construct every such window so that one half at the least may be opened, and so that the opening may extend in every case to the top of the window." It may be necessary here to point out that a skylight cannot properly be substituted for a window; as it affords a very indifferent means of ventilation. The next paragraph provides for the second opening in the closet, which is essential for ensuring constant movement of air, and especially at night when the window is often kept shut.

Water supply to water-closet to be distinct from that for domestic use.

69. Every person who shall construct a watercloset in connexion with a building shall furnish such watercloset with a separate cistern or flushing box of adequate capacity, which shall be so constructed, fitted, and placed as to admit of the supply of water for use in such watercloset without any direct connexion between any service pipe upon the premises and any part of the apparatus of such watercloset, other than such cistern or flushing box.

Water-closet to have flushing apparatus.

He shall furnish such watercloset with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual

removal therefrom of any solid or liquid filth which may from time to time be deposited therein.

He shall furnish such watercloset with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle.

He shall not construct or fix under such pan, basin, or receptacle any "container" or other similar fitting.

He shall not construct or fix in or in connexion with the watercloset apparatus any trap of the kind known as a "D trap."

Water-closet to have proper basin.

"Container" and also "D trap" prohibited.

NOTE.—The great danger of supplying a watercloset direct from a water-main instead of through the intervention of a cistern has been shown by numerous outbreaks of enteric (typhoid) fever, which have resulted from the adoption of the former practice, a method of supply which during intentional or unavoidable intermissions in the water-service facilitates and ensures the forcible suction of foul air and, at times, other matters into the mains of the water-service. Hence the provision of service-cisterns for waterclosets should be insisted on, so as to ensure a complete break between the interior of the closet-basin and the water-main; but even when such a cistern is provided, there still remains a tendency for the escape of foul air from the basin of the closet up the service-pipe and through the body of water in the cistern itself, thus leading to contamination of the water. It is, therefore, further important that watercloset cisterns should supply waterclosets only, and that no other supply pipes should be carried from them. The ordinary water waste-preventing cistern answers the purpose efficiently if it is of adequate size, as *e.g.*, of three-gallon capacity. The first paragraph of this clause, whilst dealing with the adequate capacity of the cistern or flushing box, does not in specific terms require that a sufficiency of water for flushing purposes shall be maintained. A byelaw as to this can, however, now be made by any Local Authority that has obtained the power of making byelaws under sec. 23 of the Public Health Acts Amendment Act, 1890, as to "The keeping of waterclosets supplied with sufficient water for flushing." In a case that came before them, the Local Government Board stated that they did not think that a byelaw requiring the occupier of any premises in which a watercloset shall be situated, to cause such watercloset to be supplied with proper apparatus for the supply of water, could properly be made under sec. 23 of the Act of 1890 above referred to. The Board pointed out that byelaw No. 69 of the model series of byelaws made under sec. 157 of the Public Health Act, 1875, required that a watercloset newly constructed in connexion with a building should be supplied with a suitable flushing apparatus, but the object of byelaws under the Act of 1890 was restricted to "the keeping waterclosets supplied with sufficient water for flushing." The Board did not consider that a byelaw could be made under the Public Health Act, 1875, to require water to be kept supplied to a closet though it might require suitable apparatus to be provided which would enable this to be done. On the other hand, a byelaw under sec. 23 of the Act of 1890, could require that the closet be kept supplied with water, though it could not require the provision of any particular apparatus for that purpose.

The second paragraph provides for the flushing out of the basin of the

watercloset by means of suitable apparatus, and therefore practically prohibits the use of basins dependent solely on hand flushing.

With reference to the third paragraph, it should be noted that the basin is to be of such a shape, &c., that the excreta shall fall directly into water without fouling the sides of the basin. Thus, any such structure as the common long hopper-shaped basin, which admits of the soiling of the sides, and which is usually very inefficiently cleansed by a sluggish flow of water in a spiral course

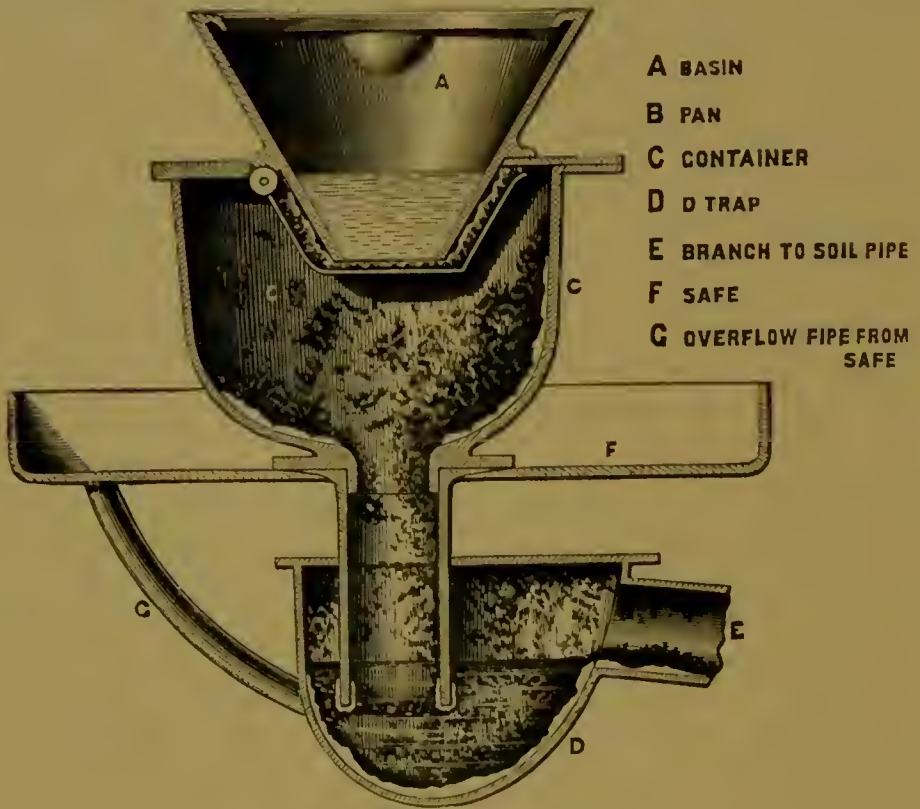


DIAGRAM No. XXXV.



DIAGRAM No. XXXVI.

round the sides, is virtually, and may well be definitely, prohibited. Diagrams XXXVI. and XXXVII. show basins of suitable shape.

Referring to the fourth and fifth paragraphs, it must be remembered that the retention of filth in waterclosets constructed with either a "container" or a

"D trap" is necessarily such as to cause risk of offensiveness and of danger to health. Such apparatus should, therefore, in every case be prohibited. Diagram No. XXXV. has been accurately copied from a closet of which a section was, in the first instance, made, and it shows both the "D trap" and "container," together with the deposit of filth which speedily accumulates in them. Diagrams Nos. XXXVI. and XXXVII. show waterclosets in which these objectionable appliances are avoided.

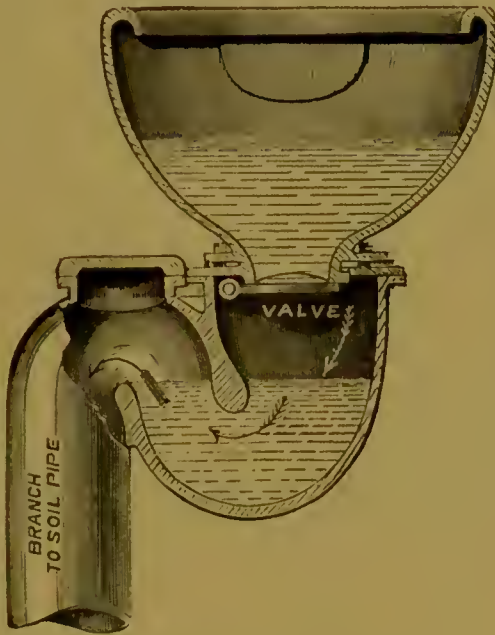


DIAGRAM No. XXXVI.

70. Every person who shall construct an earthcloset in connexion with a building shall furnish such earthcloset with a reservoir or receptacle, of suitable construction and of adequate capacity, for dry earth or other deodorizing substance, and he shall construct and fix such reservoir or receptacle in such a manner and in such a position as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein the necessary supply of dry earth or other deodorizing substance.

Earth-closets to have dry earth receptacles.

He shall construct or fix in connexion with such reservoir or receptacle suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in any pan, pit, or other receptacle for filth constructed, fitted, or used in or in connexion with such earthcloset.

NOTE.—The success of the earthcloset system is dependent on there being at hand a sufficient supply of *dry* earth; hence the necessity for the receptacle referred to. As to this, see also Byelaws as to Cleansing of Earthclosets, Note

to clause No. 3, page 21. To ensure the effectual application of the dry earth to the excreta, it is usually found desirable that the receptacle shall form a part of the closet apparatus, and that it should be so fitted as to ensure, by some efficient automatic or other action, the regular application of the dry earth to the contents of the receptacle.

As to earth-closets having fixed receptacles.

71. Every person who shall construct an earthcloset in connexion with a building, and shall provide in or in connexion with such earthcloset a fixed receptacle for filth, shall construct or fix such receptacle in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and in such a manner and in such a position as to admit of ready access to such receptacle for the purpose of removing the contents thereof.

Size of receptacles.

He shall not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth or other deodorizing substance as may be deposited therein during a period not exceeding *three months*, or in any case of a capacity exceeding *forty cubic feet*.

Materials for receptacle.

He shall construct such receptacle of such material or materials, and in such a manner, as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

Receptacle not to be sunk below ground.

He shall construct or fix such receptacle so that the bottom or floor thereof shall be at least *three inches* above the level of the surface of the ground immediately adjoining the earthcloset, and so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

NOTE.—See Note to clause No. 70, page 155. The period “three months,” and the capacity of “forty cubic feet,” which is needed for an accumulation extending over that period, have been inserted in numerous instances in the second paragraph for reasons already explained. (See Byelaws as to Cleansing of Earthclosets, page 21.) With a view of keeping the contents of the earthcloset dry—a condition essential to its success as an efficient means of excrement disposal—the bottom or the floor of the receptacle should be least *three inches* above the level of the surrounding ground, and accordingly this height, at least, should be specified in the fourth paragraph.

It will, however, be noted that, under clause No. 67, the construction of earthclosets inside buildings is permitted, and hence it becomes desirable in a separate clause to distinguish between earthclosets inside and earthclosets outside buildings, with reference to the capacity and character of the receptacle. Where earthclosets are constructed inside buildings, it is most desirable to require a

movable receptacle or pail, and since no such receptacle holding more than one week's contents can be easily handled for the purposes of scavenging, its capacity may very properly be limited to a maximum of *two cubic feet*.

Earthclosets with fixed receptacles may well be forbidden in the interior of houses. Where this is done the model clauses 71 and 72 should be struck out and the following three clauses inserted in their place:—

71A. Every person who shall construct an earthcloset in connexion with a building, and shall provide in or in connexion with such earthcloset a fixed receptacle for filth, shall construct such earthcloset outside such building, and shall construct or fix the receptacle of such earthcloset in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and in such a manner and in such a position as to admit of ready access to such receptacle for the purpose of removing the contents thereof.

He shall not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth or other deodorizing substance as may be deposited therein during a period not exceeding *three months*, or in any case of a capacity exceeding *forty cubic feet*.

He shall construct such receptacle of such material or materials, and in such a manner, as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

He shall construct or fix such receptacle so that the bottom or floor thereof shall be at least *three inches* above the level of the surface of the ground immediately adjoining the earthcloset, and so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

72A. Every person who shall construct an earthcloset in connexion with but not within a building, and shall provide in or in connexion with such earthcloset a movable receptacle for filth, shall construct such earthcloset so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and may also admit of ready access to that part of the earthcloset in which such receptacle may

be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof.

He shall also construct such earthcloset so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

73A. Every person who shall construct an earthcloset within a building shall construct such earthcloset for use in combination with a movable receptacle for filth.

He shall construct such earthcloset so as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath the seat in such a manner and in such a position as may effectually prevent the deposit upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct such receptacle in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and in such a manner and in such a position as to admit of ready access for the purpose of removing the contents thereof.

As to
earth-
closets
having
movable
recep-
tacles.

72. Every person who shall construct an earthcloset in connexion with a building, and shall provide in or in connexion with such earthcloset a movable receptacle for filth, shall construct such earthcloset so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and may also admit of ready access to that part of the earthcloset in which such receptacle may be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof.

Recep-
tacles to
be covered
in.

He shall also construct such earthcloset so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

NOTE.—The conditions specified in the first paragraph are essential to the efficient working and scavenging of earthclosets, and the absolute necessity of

keeping the contents of such a closet as dry as possible, call for the provisions specified in the second paragraph.

73. Every person who shall construct a privy in connexion with a building shall construct such privy at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business. Proximity of privies to buildings.

NOTE.—A privy constructed on the principles, and of the capacity required under clauses Nos. 75 to 79 may, if properly supervised and regularly scavenged, be placed without risk of nuisance, as near as *six feet* to the buildings mentioned. If, however, a greater distance be desired, it would be necessary to make a corresponding increase in the prescribed minimum distance across the requisite open space at the rear of a domestic building, as the *ten feet* specified in clause No. 54 is only sufficient to allow of the construction of the privy at the distance of *six feet*, as prescribed in this clause. See Diagram No. XVIII., p. 125.

74. A person who shall construct a privy in connexion with a building shall not construct such privy within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution. Proximity of privies to water supply.

NOTE.—Water very readily absorbs the noxious effluvia and emanations from excreta and other filth, and since privy contents may at any moment contain the specifically poisonous matter of typhoid fever or other allied diseases, it is of the utmost importance to ensure the safety of water supplies for domestic and other specified purposes by some such clause as this one. The distance to be inserted in the blank space should not, under ordinary circumstances, be less than some *forty feet*. It may be thought desirable by some authorities to make the byelaw applicable also to all tanks or cisterns containing a domestic water supply.

75. Every person who shall construct a privy in connexion with a building shall construct such privy in such a manner and in such a position as to afford ready means of access to such privy, for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business. Position of privies to allow removal of filth therefrom.

NOTE.—This clause should be read in connexion with clause No. 4 of the series of byelaws relating to the Prevention of Nuisances, page 30, since both of them have reference to the prevention of nuisance in connexion with the cleansing

of privies, &c. Anyone having experience of the grave nuisance which arises in some of our older towns, where the privies are so placed as to necessitate their contents being carried through buildings during the process of scavenging, must admit the need of the above clause. It will be seen that although, as was explained in a Note to clause No. 6 (*ante*, p. 76), the provision of a back passage cannot be enforced generally, apart from the special provisions of the Public Health Acts Amendment Act, 1890, it is permissible to prohibit the construction of privies where no back passages are provided. In the exceptional instances where neither a back street nor a passage between the houses can be contrived so as to afford communication with the public thoroughfare for the purposes of the removal of filth, some other form of closet than the privy will have to be adopted.

Ventila
tion of
privies.

76. Every person who shall construct a privy in connexion with a building shall provide such privy with a sufficient opening for ventilation, as near to the top as practicable, and communicating directly with the external air.

Floor of
privies.

He shall cause the floor of such privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than *six inches* above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of *half an inch* to the *foot*.

NOTE.—The provision in the first paragraph is intended to secure the efficient ventilation of the privy; and it is sometimes added to by requiring a shaft from the space beneath the seat to a point above the roof. The requirements specified in the second have reference to its cleanliness. They ensure, amongst other things, that the floor of the privy, as distinguished from that of the space beneath the privy seat, shall be above the level of the ground outside; and in order to prevent water with which the floor is washed from making its way into that space, and thus causing wetness of the contents of the "receptacle," a distinct fall towards the door is required.

Privies
with mov-
able recep-
tacles.

77. Every person who shall construct a privy in connexion with a building, and shall construct such privy for use in combination with a movable receptacle for filth, shall construct over the whole area of the space immediately beneath the seat of such privy a flagged or asphalted floor, at a height of not less than *three inches* above the level of the surface of the ground adjoining such privy; and he shall cause the whole extent of each side of such space between the floor and the seat to be constructed of flagging, slate, or good brickwork, at least *nine inches* thick, and rendered in good cement or asphalted.

He shall construct the seat of such privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath such seat in such

a manner and in such a position as may effectually prevent the deposit, upon the floor or sides, of the space beneath such seat or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct the seat of such privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath each seat for the purpose of cleansing such space or of removing therefrom or placing and fitting therein the appropriate receptacle for filth.

NOTE.—The kind of privy referred to in the foregoing clause is intended to receive excreta alone, and under such circumstances some form of movable receptacle or pail is necessary for purposes of cleanliness and of facility of scavenging. See Diagram No. XXXVIII. The space—beneath the seat—in which the pail is placed should be enclosed and floored with impervious materials ; and it is often found desirable to protect it against any flow of urine by requiring a “urine-guide” to be fixed beneath the front of the seat opening. And, both

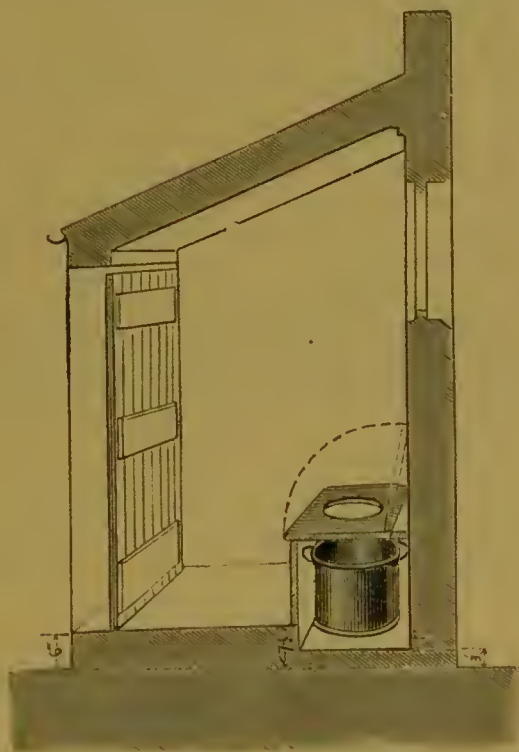


DIAGRAM No. XXXVIII.

in order to prevent soakage into it of surface or subsoil water, as also with a view to the immediate detection and prevention of wetness resulting from improper use of the receptacle (as *e.g.*, the emptying of slops into it), the floor of the space must be kept well above the level of the surrounding surface. So, also, the capacity of the movable receptacle has to be limited, in order to ensure the removal of its contents at least once a week ; the longest period during which excreta, which have not been duly mixed with some deodorizing or other suitable material, should be allowed to accumulate in the vicinity of dwelling-houses and other

buildings. The last paragraph provides for such removal and for the substitution of a clean pail.

Where possible it is desirable to permit the removal of the pail or movable receptacle from the outside without entering the privy. To effect this, some modification of the last part of paragraph 1, and the first part of paragraph 3, will be needed.

Privies
with fixed
recep-
tacles.

78. Every person who shall construct a privy in connexion with a building, and shall construct such privy for use in combination with a fixed receptacle for filth, shall construct or fix in or in connexion with such privy suitable means or apparatus for the frequent and effectual application of ashes, dust, or dry refuse to any filth which may from time to time be deposited in such receptacle.

He shall construct such receptacle so that the contents thereof may not at any time be exposed to any rainfall or the drainage of any waste water or liquid refuse from any adjoining premises.

He shall construct such receptacle of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

He shall construct such receptacle so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining such receptacle.

He shall not in any case construct such receptacle of a capacity exceeding *eight cubic feet*.

He shall construct the seat of such privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to such receptacle for the purpose of removing the contents thereof, and of cleansing such receptacle, or shall otherwise provide in or in connexion with such privy adequate means of access to such receptacle for the purpose aforesaid.

NOTE.—Where no movable receptacle or pail is intended to be used, it is requisite the ashes or dry refuse should be regularly mingled with the excreta in the fixed receptacle, *i.e.*, in the space beneath the seat. And it should be understood that this arrangement does not permit of any communication between a privy or receptacle and adjacent ashpit. With a view of securing the greatest procurable dryness of contents, that space must be constructed of impervious materials; it must be protected from rainfall and also from the soakage into it of subsoil and surface water. Wetness of contents ensures rapid decomposition of contents and consequent nuisance. As to keeping the floor *three inches* above the level of the ground outside, see Note to clause No. 77. The limit in the capacity of the receptacle, *i.e.*, *eight cubic feet* (see Diagram No. XXXIX.), is intended to ensure a weekly scavenging. As to this, see capacities of receptacles, Appendix No. 1., page 208.

If, as is done in certain districts, the means of access to the receptacle is provided for without the necessity of scavengers entering the closet, a small door must be provided in the back or side wall below the level of the seat, and the last paragraph of the clause should be altered accordingly.

79. A person who shall construct a privy in connexion with a building shall not cause or suffer any part of the space under the seat of such privy, or any part of any receptacle for filth in or in connexion with such privy, to communicate with any drain.

Privies not
to com-
municate
with
drains.

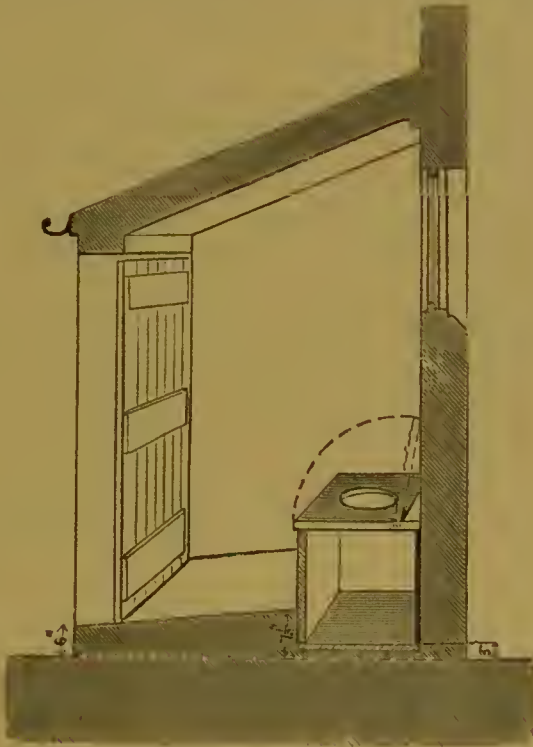


DIAGRAM No. XXXIX.

NOTE.—Since the adoption of either a pail system or of such arrangements as tend to dryness of privy contents is needed in order to secure freedom from nuisance, it is obvious that there is no need for provision to meet the condition—



DIAGRAM No. XL.

viz., wetness of contents—which of all others should not be allowed to exist. Indeed, the provision of means of drainage will, by suggesting that the privy receptacle may be used for slop-water, &c., defeat the end held in view, viz., to

secure the utmost possible dryness of contents. Besides which, the drainage of privies, middens, or ashpits has been almost invariably found to choke the drains and the sewers with which they may be connected. A most offensive material then accumulates, and this causes both nuisance and injury to health to persons living in dwellings with which such drains and sewers are connected.

An examination in Manchester of certain sewers with which drains from midden privies were connected, led to the discovery that they were to a great extent blocked with a mass consisting of "small coal, ashes, bits of broken pot, and faecal matter, cemented by the latter into a strong mortar." Diagram No. XL. shows the actual state of the sewers in question. For further details as to this, see Report of the Medical Officer of the Privy Council and Local Government Board, 1874.

Proximity
of ashpits
to build-
ings.

80. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

NOTE.—Ashpits being made the receptacles for much vegetable and other refuse which is liable to decomposition, it is important to keep them at least *six feet* from dwelling-houses, &c. See also the Note to clause No. 73, with reference to open space at the rear of domestic buildings.

Proximity
of ashpits
to water
supply.

81. A person who shall construct an ashpit in connexion with a building shall not construct such ashpit within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

NOTE.—In order to protect the water from the *débris* and fine dust which so often fills the air near ashpits when refuse is being cast into them, and also from the effluvia of decomposing vegetable matter, &c., the distance to be here inserted should not, under ordinary circumstances, be less than some *thirty feet*. See also latter part of Note to clause No. 74.

Position of
ashpits to
allow re-
moval of
contents
therefrom.

82. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit in such a manner and in such a position as to afford ready means of access to such ashpit for the purpose of cleansing such ashpit, and of removing the contents thereof, and, so far as may be practicable, in such a manner and in such a position as to admit of the contents of such ashpit being removed therefrom, and from the premises to which such ashpit may belong, without being carried through any dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

NOTE.—The provisions of this clause are so obviously necessary that they do not call for comment. See, however, Note to clause No. 75.

83. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit of a capacity not exceeding in any case *six cubic feet*, or of such less capacity as may be sufficient to contain all dust, ashes, rubbish, and dry refuse which may accumulate during a period not exceeding *one week* upon the premises to which such ashpit may belong.

Capacity
of ashpits.

NOTE.—Frequent scavenging of ashpit contents by the Sanitary Authority should be secured in all districts having an urban character, and, apart from the desirability of its being done at least once every week, it will, as a rule, be found convenient that it should be carried out at the same intervals as regulate the cleansing of privies. See Note to clause No. 77.

84. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit of flagging, or of slate, or of good brickwork, at least *nine inches* thick, and rendered inside with good cement or properly asphalted.

Construc-
tion of ash
pits.

He shall construct such ashpit so that the floor thereof shall be at a height of not less than *three inches* above the surface of the ground adjoining such ashpit, and he shall cause such floor to be properly flagged or asphalted.

He shall cause such ashpit to be properly roofed over and ventilated, and to be furnished with a suitable door in such a position and so constructed and fitted as to admit of the convenient removal of the contents of such ashpit, and to admit of being securely closed and fastened for the effectual prevention of the escape of any of the contents of such ashpit.

NOTE.—The more prominent objects to be gained under this clause are as follows:—The ashpit will be reasonably substantial; the decomposition of its vegetable and other organic contents will not be favoured by wetness resulting either from soakage into it of surface or rainfall water, or from subsoil; and the removal of its contents will be rendered easy.

85. A person who shall construct an ashpit in connexion with a building shall not cause or suffer any part of such ashpit to communicate with any drain.

Ashpits
not to com-
municate
with
drains.

NOTE.—As to this clause, see the Note and diagram appended to clause No. 79.

86. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool at a distance of *feet* at the least from a dwelling-house or public buildings.

Proximity
of cess-
pools to
buildings.

building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

NOTE.—Cesspools should only be resorted to in districts which are so sparsely populated that the provision of suitable sewers becomes impracticable. They necessarily involve the storage in proximity to dwellings of somewhat large accumulations of excremental filth, and hence they are liable to become a source of nuisance and of danger to health. The possibility of an undetected leakage of such filth into the soil about dwellings, as also the need for providing means of ventilation for the cesspool under clause No. 89, render it imperative that cesspools should be kept at a considerable distance from dwelling-houses, &c. The minimum distance which should be inserted is *fifty feet*. Where a row of cottages drained into a line of 6-inch pipes, and this line terminated in a pit 4 feet diameter and 6 feet deep, from which a second line of pipes carried the overflow from the pit across a neighbouring owner's land and discharged the sewage into a river, it was contended that the pit was part of a sewer which was vested in the Sanitary Authority. *Held* that this pit was not a sewer. *Meador v. West Cowes Local Board* (8 T.L.R., 643).

Proximity
of cess-
pools to
water
supply.

87. A person who shall construct a cesspool in connexion with a building shall not construct such cesspool within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

NOTE.—With a view of obviating the risk of water pollution which may follow on some undetected defect in a cesspool originally well-constructed, the minimum distance inserted should not be less than some *sixty to eighty feet*. See also Note to clause No. 86.

Position of
cesspools
to allow
removal of
contents
therefrom.

88. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool in such a manner and in such a position as to afford ready means of access to such cesspool for the purpose of cleansing such cesspool, and of removing the contents thereof, and in such a manner and in such a position as to admit of the contents of such cesspool being removed therefrom, and from the premises to which such cesspool may belong, without being carried through any dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

Cesspools
not to
communi-
cate with
sewers.

He shall not in any case construct such cesspool so that it shall have, by drain or otherwise, any outlet into or means of communication with any sewer.

NOTE.—The first paragraph of this clause requires such construction of cesspools as will ensure reasonable facilities for their proper cleansing. The object of the second paragraph goes very properly to prevent the construction of a cesspool anywhere where a sewer is available for the drainage of the premises in question. Besides which, the admission of the stale and putrid overflow from a cesspool into a sewer practically ensures that the sewer shall be offensive. This is not the case where a properly constructed sewer only receives fresh sewage. See also Public Health Act, 1875, sec. 47 (3), p. 213.

89. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool of good brickwork in cement properly rendered inside with cement, and with a backing of at least *nine inches* of well-puddled clay around and beneath such brickwork. Construction of cesspools.

He shall also cause such cesspool to be arched or otherwise properly covered over, and to be provided with adequate means of ventilation.

NOTE.—Wherever cesspools become necessary as a means of drainage, it is imperative to prevent, by methods such as are prescribed by this clause, both their liquid and gaseous contents from escaping into and fouling the surrounding soil, and their gaseous contents from getting into dwellings by means of drain-pipes or otherwise. See also Public Health Act, 1875, sec. 47 (3), p. 213.

With respect to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation.

NOTE.—The above heading, being a portion of the 157th section of the Public Health Act, 1875, which authorizes the following clause, should not be altered.

90. In every case :—

Where, by a notice in writing in the form hereunto appended, or to the like effect, and signed by the clerk to the Council, and duly served upon or delivered to the owner of a building or part of a building erected after the* the Council shall certify that it has been represented to them that such building or part of a building is unfit for human habitation, and that, unless on or before such day as shall be specified in such notice, such owner, by a statement in writing under his hand or under the hand of his agent duly authorized in that

Notices as to buildings when unfit for human habitation.

* Insert here either the words "date on which the Local Government Acts came into force in the district," or the words "date of the confirmation of these byelaws."

behalf, and addressed to and duly served upon or delivered to the Council, shall show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, or unless, on such day and at such time and place as shall be specified in such notice, such owner personally or by his agent duly authorized in that behalf shall attend before the Council and show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, the Council will declare such building or part of a building unfit for human habitation, and direct that such building or part of a building shall be closed, and prohibit the use for human habitation of such building or part of a building until the same shall have been rendered fit for human habitation :

And where such owner shall fail to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, and where, in consequence of such failure, the Council by their order, which shall be in writing under their seal in the form hereunto appended, or to the like effect, and shall be duly signed by their clerk, and which or a copy of which shall be affixed in some conspicuous position in or upon such building or part of a building, may declare that such building or part of a building is unfit for human habitation, and may direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited :—

A person shall not, after the date specified in such order and before such building or part of a building shall have been rendered fit for human habitation, knowingly inhabit or continue to inhabit, or knowingly cause or suffer to be inhabited, such building or part of a building.

NOTE.—The powers of the local authority under this clause being limited to houses erected since the Local Government Acts came into force in the district, reference might be made to the provisions of Part II., Housing of Working Classes Act, 1890, which are not so limited, and which have in some districts been considered to supersede the necessity for this clause.

NOTE.—This clause enables the Local Authority to have any building, or any part of a building, which, as provided in the 157th section of the Public Health Act, 1875, must not have been erected before the Local Government Acts came into force in the district, and which is shown to be unfit for human habitation, closed against such use until the owner, upon whom the notice is to be served, has made it fit for human habitation. And it prohibits not only any person from letting the building, or the part thereof, for human habitation, but any person from inhabiting such building, or part thereof, until it has been made fit for human habitation.

Annexed are (*a.*) the form of notice to the owner, and (*b.*) the form of certificate to be affixed in some conspicuous position on the building, or part thereof, declaring it to be unfit for human habitation.

It will be observed that the clause recognises the right of the person whose interests may be injuriously affected to be heard in defence of those interests. The exceptionally stringent provisions of the clause render it imperative that this right should receive recognition in the terms of the byelaw. Care should in every case be taken to ensure that the terms of the notice are in this respect strictly in accordance with the terms of the byelaw.

By the terms of section 157 of the Public Health Act, 1875, Local Authorities are precluded from making byelaws which would apply to any building erected before the date on which the Local Government Acts came into force in the district; hence this byelaw can only extend to the closing of such buildings. In the case of *Burgess v. Peacock* (10 L.T., 617), it was held that a local board had no power under section 34 of the Local Government Act, 1858, to make a byelaw relating to buildings erected before the date of the constitution of the district, or to the closing of such buildings when unfit for human habitation, or to the prohibition of their use for such habitation. Erle, C. J., said:—"The local board of health have power, under section 34 of the Local Government Act, 1858, to make byelaws respecting the closing of houses unfit for human habitation, but the wide words of that part of the section which give them that power are controlled by a proviso, and, giving effect to the plain words of the section and the proviso, it seems to me that the local board had no power to make a byelaw empowering them to close an old building, * * * I am clearly of opinion that the proviso at the end of the section was intended to limit the authority of the local board in making byelaws, and that they had no power to make a byelaw applying to an old house."

Form of Notice.

Borough or Urban or Rural District of

To _____ of

WHEREAS by a statement in writing under the hand of _____
Medical Officer of Health (*or Surveyor*) of

the¹ _____
of which statement a copy is contained in the schedule hereunto annexed, it has been certified to the said Council that a certain building or part of a building situate at _____ in the
said district, is unfit for human habitation:

And whereas it has been shown to the said Council that you are the owner of such building or part of a building:

Now I, _____, clerk to the said Council, do hereby give you notice that, unless on or before the _____ day of _____ 189____, by a statement in writing under your hand or under the hand of an agent duly authorized by you in that behalf, and addressed to and duly served upon or delivered to the said Council, you shall show to the said Council sufficient cause why such building or part of a building shall not be declared unfit for human habitation;

¹ "Town Council of the Borough of _____;
Council of _____; " as the case may be.

; " or "Urban" or "Rural District

Or, unless you shall attend either personally or by an agent duly authorized in that behalf before the said Council at their office in _____ on _____ day, the _____ day of _____, 189____, at _____ o'clock in the _____ noon, and shall then and there show to the said Council sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

The said Council, in pursuance of the powers conferred upon them in that behalf, will, by an order in writing under their seal, declare that such building or part of a building is unfit for human habitation, and direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Witness my hand this _____ day of _____ in the
year One thousand eight hundred and ninety-

Clerk to the

NOTE.—It will probably be expedient to obtain the reports of the Medical Officer of Health and of the Surveyor, either separately or in combination—each in his own particular sphere of action. Sanitary defects might concern the Medical Officer of Health alone, and structural objections would be reported by the Surveyor.

SCHEDULE.

[COPY OF CERTIFICATE.

Form of Order.

Borough or Urban or Rural District of

To _____ of _____, and
to all others whom it may concern.

WHEREAS it has been certified to us, the¹
that a certain building or part of a building situate at
in the said district, is unfit for human habitation:

And whereas due notice of such certificate has been given to _____, the owner of such building or part of a building, and the said _____ has failed to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation :

Now we, the said Council, in pursuance of the powers conferred upon us in that behalf, do hereby declare that such building or part of a building is unfit

1 "Town Council of the Borough of _____ ;" or "Urban" or "Rural District
Council of _____ ;" as the case may be.

or human habitation ; and we do hereby direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Given under the common seal of the Council, this _____ day
of _____, in the year One thousand eight
(L.S.) hundred and ninety-

Clerk to the

As to the giving of notices, deposit of plans and sections by persons intending to lay out streets or to construct buildings ; as to inspection by the Council ; and as to the power of such Council to remove, alter, or pull down any work begun or done in contravention of the byelaws.

NOTE.—This heading, being a portion of the 157th section of the Public Health Act, 1875, which authorizes the following clauses, should not be altered unless for special reasons—as, for example, where a local Act has incorporated with it certain parts of the Towns Improvement Clauses Act.

91. Every person who shall intend to lay out a street shall give to the Council notice in writing of such intention, which shall be delivered or sent to their clerk, at his or their office, or to their surveyor, at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent, to their clerk, at his or their office, or to their surveyor, at his or their office, a plan and sections of such intended street, drawn to a scale of not less than *one inch* to every *forty-four feet*. Notice and
plan of
intended
new street.

Such person shall show on every such plan the names of the owners of the land through or over which such street shall be intended to pass, the intended level and width, the points of the compass, the intended mode of construction, the intended name of such street and its intended position in relation to the streets nearest thereto, the size and number of the intended building lots, and the intended sites, height, class, and nature of the buildings to be erected therein, and the intended height of the division and fence walls thereon, and the name and address of the person intending to lay out such street.

Such person shall sign such plan, or cause the same to be signed by his duly authorized agent.

Such person shall show on every such section the levels of the present surface of the ground above some known datum, the intended level and rate or rates of inclination of the intended

street, the level and inclinations of the streets with which it is intended that such street shall be connected, and the intended level of the lowest floors of the intended buildings.

NOTE.—By this clause the person intending to lay out a new street is required to give notice to the Local Authority of such intention. He is at the same time to deposit a plan and sections of such new street drawn to a proper scale.

The second, third, and fourth paragraphs describe what information is to be afforded on such plan and section in order to enable the Local Authority to consider the proposal in all its details.

As regards the ownership of such plan and sections, it will be observed that the particular section of the Public Health Act, 1875, under which the clause is made, merely authorizes a byelaw as to the “deposit of plans and sections,” and hence, as such plans and sections are in themselves distinct property, and as there is nothing in the byelaws or in the Public Health Act, 1875, to require the plans to be returned to the person depositing them, it may be contended that the permanent retention of such plans by the Local Authority is justified.

No decisive case has been hitherto tried that would afford a definite precedent upon the point. In *Gooding v. The Ealing Local Board* (1 T.L.R., 62; 1 C. & E., 359), which came before Mr. Justice Mathew in November, 1884, judgment was given for the defendants, who retained the plaintiff's plans although they disapproved of the erection of the buildings comprised in them, but the case has been regarded as one in which that judgment might possibly have been reversed had the plaintiff appealed against it.

This and the following byelaw may be altered if desired so as to require plans to be in duplicate and in ink on tracing cloth.

Where sections 57–60 of the 10 & 11 Vict., c. 34, are in force by incorporation with any local Act, this byelaw must be omitted.

Notice and
plan of
intended
new
building.

92. Every person who shall intend to erect a building shall give to the Council notice in writing of such intention, which shall be delivered or sent to their clerk, at his or their office, or to their surveyor, at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent, to their clerk, at his or their office, or to their surveyor, at his or their office, complete plans and sections of every floor of such intended building, which shall be drawn to a scale of not less than *one inch* to every *eight feet*, and shall show the position, form, and dimensions of the several parts of such building, and of every watercloset, earthcloset, privy, ashpit, cesspool, well, and all other appurtenances, and in which the building shall be so described as to show whether it is intended to be used as a dwelling-house or otherwise.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Council, at his or their office, or to their surveyor, at his or their office, a description in writing of the materials of which it is intended that such building

shall be constructed, and of the intended mode of drainage and means of water supply.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Council, at his or their office, or to their surveyor, at his or their office, a block plan of such building, which shall be drawn to a scale of not less than *one inch* to every *forty-four feet*, and shall show the position of the buildings and appurtenances of the properties immediately adjoining, the width and level of the street in front, and of the street, if any, at the rear of such building, the level of the lowest floor of such building, and of any yard or ground belonging thereto.

Such person shall likewise show on such plan the intended lines of drainage of such building, and the intended size, depth, and inclination of each drain; and the details of the arrangement proposed to be adopted for the ventilation of the drains.

NOTE.—This clause requires any person about to erect a new building to give notice of such intention to the Local Authority, and to accompany such notice by plans and sections of each floor of the building, showing the several particulars specially referred to in the byelaws. Thus, by the first paragraph, he is to show how the requirements of the several clauses are to be carried out, relating, for example, to the positions of the requisite windows, and of the water-closet or privy, ashpit, cesspool, well, &c., the form and dimensions of the privy and ashpit, and of the requisite open space about the building, the thickness of the walls, and so forth. The second paragraph requires him to submit a description of the materials of construction and likewise of the drainage and water supply. He is further required by the third and fourth paragraphs to deposit a block plan, showing the position of the new building relatively to the streets and properties surrounding it, &c., and the lines, &c., of the drains.

As bearing upon the question of what is a new building within the meaning of such a clause as this, it may be useful to refer to the note at the end of byelaw No. 1. In the case of *James* (app.) v. *Wyrill* (resp.), 51 L.T. (n.s.), 237; 48 J.P., 228, 725, it was held that the question whether alterations to a building constituted a new building was a question of fact for the justices alone to decide. Lord Coleridge, C.J., said the appellant seemed to have been of opinion, and took upon himself to decide, that he was not bound to send any plan of the proposed building, as he considered that raising an old wall higher was not making a new building. He, therefore, sent in no plan, and it was for this act that he was summoned. The first question is whether this was a new building within the meaning of the byelaw, and it has been decided over and over again that this is a question of fact for the exclusive determination and good sense of the magistrate. In the case of *Shiel* (app.) v. *Mayor of Sunderland* (resp.), 6 H. & N., 797; 30 L.J. (n.s.), M.C., 215, a byelaw made by a local board of health, pursuant to 21 & 22 Vict., c. 98, s. 34, directed that "every building to be erected and used as a dwelling-house, shall have an open space exclusively belonging thereto to the extent at least of one-third of the entire area of the ground on which the said dwelling-house shall stand, and which shall belong thereto, &c." By the 21 & 22 Vict., c. 98, s. 34, no byelaw shall affect any building erected before the date of the constitution of the

district, but the re-erecting of any building pulled down to or below the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, shall be considered the erection of a new building. The proprietor of a house, which had been erected before the constitution of the district, and was used for an hotel, having a yard with coach-house and stables in the rear, for the purpose of making an addition to the hotel pulled down the coach-house and stables below the ground floor, and erected upon the same site a building three stories high; the only means of access to the upper chambers being by going up the staircase of the old house, and through a passage into the new building. On an information against the proprietor for an offence against the byelaw in not leaving an open space equal to one-third of the area of the ground on which the dwelling-house, &c., stood, the justices found that the building erected in the yard, being a new building built up to and adjoining the old building, must either be considered with the old building as one house, or that the old house and new building must be considered as two erections, and that both old and new buildings must be considered by reckoning the ground upon which the building stood; and convicted him of a breach of the byelaw. It was held that the conviction could not be sustained, because the new erection was not a new dwelling-house, but merely an addition to an old dwelling-house; or, *per* Bramwell, B., because the justices had not found that it was a new dwelling-house, which was essential to the validity of the conviction. In the case of *Tucker v. Rees*, 7 Jur. (n.s.), 629; 23 J.P., 789; a byelaw to the effect that wherever any open space had been left belonging to any building, such space should never afterwards be built upon without the consent of, &c., and without leaving an open space belonging to such building of a specified size and dimensions, was held to be invalid if it applied to old buildings.

Where the byelaws required a street to be *thirty-six feet* wide, and a person erected a building in such a situation as to reduce the width to *thirty-one feet eight inches*, it was held that an action for damages would not lie on the part of the owner of land on the opposite side of the street, either against the Local Authority for not preventing the alleged encroachment, or against the alleged trespasser (*Attorney-General v. Pudsey Local Board*, 59 J.P., 329).

As regards the ownership of such deposited plans, &c., see the remarks at the end of the Note to clause No. 91.

Where Local Authorities desire to avoid possible litigation as to ownership of plans by retaining copies of the plans—and there are obvious advantages in their possessing copies of the plans—they should effect their purpose through the agency of their surveyor. It is believed that the regulations adopted by many Local Authorities with regard to the conduct and duties of their officers provide for the preparation of tracings by the surveyors.

It is to be borne in mind that, under the Public Health Act, 1875, and the byelaws, the main purpose which these notices, plans, &c., will serve is to ensure that the Local Authority will be furnished with the necessary information to enable them to exercise an efficient supervision over the operations of the builder. The information required to be supplied under this clause may be regarded as somewhat considerable, but it is no more than is necessary in by far the larger number of new buildings that are erected.

In some large districts, a regular printed form is issued to builders by the Local Authority, an arrangement which greatly facilitates the supply of the required information. It is printed on strong but thin paper, and space is left of sufficient size for tracings of the plans of buildings of the ordinary dwelling-house size. By this course uniformity is secured, and the convenience of builders is studied. In the case of *James v. Masters* [1893] (1 Q.B., 355) it was held that where a person had submitted plans of a new building to a Sanitary

Authority, and, after having obtained their approval, had erected the building in some respects different from the plan, but without infringing any byelaw regulating the building, he was liable to conviction for not having sent in plans showing the changes in his intended building.

It will be seen that, by section 158* of the Public Health Act, 1875, the Sanitary Authority must signify their approval, or otherwise, of the intended work within one month after the notice, &c., has been deposited, but that there is no necessity for the person intending to build to delay commencing the work until he receives the approval, or until the expiration of the month. In the event, however, of the works being commenced before the expiration of the month, the person building must take the consequences of any violation of the byelaws. This view seems supported by the case of *Hattersley and others* (apps.) v. *Burr* (resp.), (14 L.T. (n.s.), 565), in which it was held that the person giving notice had a right to commence building when he pleased, subject to the Local Board's right to pull down or alter his building if built in contravention of their byelaws.

The case of *Hattersley v. Burr*, which was questioned in *Hall* (app.) v. *Nixon* (resp.), (32 L.T. (n.s.), 87), but was not in fact overruled, decided that a local authority could not require plans to be deposited at least a month before one of its ordinary meetings, but in the latter case fourteen days' notice before beginning the work was held to be reasonable.

The later case of *Cumber v. Bournemouth Improvement Commissioners* (71 L.T., 10), in which the Court held that where a person had deposited plans there was nothing to prevent him going on building, was to the same effect.

In the case of *Clark v. Bloomfield* (1 T.L.R., 323) it was held that a local authority must either approve or disapprove of plans submitted to them within one month, as required by section 158 of the Public Health Act, 1875, and that where plans had been neither approved nor disapproved the local authority was precluded from enforcing penalties for breaches of the byelaws.

The case of *ex parte Crosby*, 41 J.P., 740, may be referred to as showing what a Local Authority may not allege as ground for refusal to pass plans.

93. Every person who shall intend to lay out or construct a street, or to erect a building, or otherwise to execute any work to which any of the byelaws relating to new streets and buildings may apply, shall, before beginning to lay out or construct such street, or to erect such building, or to execute such work, deliver or send, or cause to be delivered, or sent, to the surveyor of the Council, at his or their office, notice in writing, in which shall be specified the date on which such person will begin to lay out or construct such street, or to erect such building, or to execute such work.

Notice of commencing new street or new building.

Such person shall also, before proceeding to cover up any sewer or drain, or any foundation of a building, deliver or send, or cause to be delivered or sent, to the surveyor of the Council, at his or their office, notice in writing, in which shall be specified the date on which such person will proceed to cover up such sewer, drain, or foundation.

Notice of covering up sewer, drain, or foundation.

If such person neglect or refuse to deliver or send any such notice, or to cause any such notice to be delivered or sent to

Work may be cut into, laid open,

* This section is printed *in extenso* in Appendix No. II., p. 221.

or pulled
down.

such surveyor, and if such surveyor, on inspecting any work in connexion with such street or building, or such other work as aforesaid, finds that such work is so far advanced that he cannot ascertain whether anything required by any byelaw relating to new streets or buildings has been done contrary to such byelaw, or whether anything required by such byelaw to be done has been omitted to be done, and if, within a reasonable time after such survey or inspection, such person shall, by notice in writing under the hand of such surveyor, be required, within a reasonable time, which shall be specified in such notice, to cause so much of such work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into, laid open, or pulled down to a sufficient extent to enable such surveyor to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall, within the time specified in such notice, cause such work to be so cut into, laid open, or pulled down.

NOTE.—It will be seen that, by this clause, the Local Authority require to be informed of the date of the commencement of any work affected by the byelaws, and to have notice of the date of covering up certain works. Thus they can, if they choose, exercise complete control and supervision over sewers, drains, and foundations.

By the last paragraph, any work which has been covered up, or is so far completed as to prevent due inspection, may, by order of the surveyor, have to be exposed or pulled down to satisfy him that it is in accordance or otherwise with the requirements of the byelaws.

The clause is a most useful one for the Local Authority to possess; and if used with tact and judgment, is of material assistance in every well-administered district. It must not be overlooked, however, that the clause only gives power to require work to be cut into, &c., where the builder has first put himself in the wrong by neglecting or refusing to deliver notices.

Contra-
ventions of
byelaws
to be
amended.

94. In every case :—

Where a person who shall lay out or construct a street, or shall erect a building, or shall execute any other work to which the byelaws relating to new streets and buildings may apply, shall, at any reasonable time during the progress or after the completion of the laying out or construction of such street, or the erection of such building, or the execution of such work, receive from the surveyor of the Council notice in writing, specifying any matters in respect of which the laying out or construction of such street, the erection of such building, or the execution of such work may be in contravention of any byelaw relating to new streets or buildings, and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such byelaw to be amended, or to

do anything which by any such byelaw may be required to be done but which has been omitted to be done—

Such person shall, within the time specified in such notice, comply with the several requirements thereof so far as such requirements relate to matters in respect of which the laying out or construction of such street, the erection of such building, or the execution of such work may be in contravention of any such byelaw.

Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirement, shall deliver or send, or cause to be delivered or sent, to the surveyor of the Council, at his or their office, notice in writing of the completion of such work, and shall, at all reasonable times within a period of *days* after such notice shall have been so delivered or sent, afford such surveyor free access to such work for the purpose of inspection.

Notice of completion of amendments.

NOTE.—This clause gives the Local Authority power to require any contravention of the byelaws to be rectified. It is intended to provide a *locus penitentie* for the offender. Instead of proceeding to pull down the work, the Local Authority give the offender the option of rectifying his wrong-doing. A clause of this kind materially strengthens the position of the Local Authority in case they are ultimately compelled to proceed to extreme measures.

Seven days is the period commonly adopted in paragraph three.

95. Every person who shall lay out or construct a street, or shall erect a building, or shall execute any other work to which any of the byelaws relating to new streets and buildings shall apply, shall, at all reasonable times, during the laying out or construction of such street, or the erection of such building, or the execution of such work, afford the surveyor of the Council free access to such street, building, or work for the purpose of inspection.

Surveyor to have access to work for purpose of inspection.

NOTE.—This clause is an essential one to the effectual working of a series of building regulations. It secures to the surveyor access to the works during their progress; and in the interests of the person upon whom the duty of affording such access is imposed, the words “at all reasonable times,” serve to restrict the conditions of access. Clauses Nos. 96 and 97 secure access on completion of the street and the new building respectively.

95A. A person shall not let or occupy any new dwelling-house until the drainage thereof shall have been made and completed, nor until such dwelling-house shall, after examination, have been certified by an officer of the Council, authorized to give such certificate, to be, in his opinion, in every respect fit for human habitation.

House to be certified before being occupied.

NOTE.—This byelaw has been adopted in several cases, and has been confirmed by the Local Government Board. It is based on a byelaw that was held to be reasonable in the case of *Horsell v. Swindon Local Board* (52 J.P., 597).

Notice of completion of new street.

96. Every person who shall lay out or construct a street shall, within a reasonable time after the completion of the laying out or construction of such street, deliver or send, or cause to be delivered or sent, to the surveyor of the Council, at his or their office, notice in writing of the completion of the laying out or construction of such street, and shall, at all reasonable times, within a period of _____ days after such notice shall have been so delivered or sent, afford such surveyor free access to such street for the purpose of inspection.

NOTE.—This is a necessary clause for assisting the Local Authority to effectually carry out their regulations as to new streets. *Seven days* is the period usually adopted.

Notice of completion of new building.

97. Every person who shall erect a building shall, within a reasonable time after the completion of the erection of such building, deliver or send, or cause to be delivered or sent, to the surveyor of the Council, at his or their office, notice in writing of the completion of the erection of such building, and shall, at all reasonable times, within a period of _____ days after such notice shall have been so delivered or sent, and before such building shall be occupied, afford such surveyor free access to every part of such building for the purpose of inspection.

NOTE.—This clause is a necessary one for enabling the Local Authority of a district to effectually carry out their regulations as to new buildings. Following strictly the language of the statute, this clause limits the access to the purpose of inspection. *Seven days*, as in the previous clauses, is commonly inserted.

Penalties.

98. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of _____, and in the case of a continuing offence to a further penalty of _____ for each day after written notice of the offence from the Council:

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

NOTE.—This clause relates to the whole series of byelaws as to new streets and buildings. *Five pounds and forty shillings* are the sums commonly inserted in the first and second blanks respectively.

99. If any work to which any of the byelaws relating to new streets and buildings may apply be begun or done in contravention of any such byelaw, the person by whom such work shall be so begun or done, by a notice in writing, which shall be signed by the clerk to the Council, and shall be duly served upon or delivered to such person, shall be required on or before such day as shall be specified in such notice by a statement in writing under his hand or under the hand of an agent duly authorized in that behalf, and addressed to and duly served upon the Council, to show sufficient cause why such work shall not be removed, altered, or pulled down; or shall be required on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized in that behalf before the Council and show sufficient cause why such work shall not be removed, altered, or pulled down.

If such person shall fail to show sufficient cause why such work shall not be removed, altered, or pulled down, the Council shall be empowered, subject to any statutory provision in that behalf, to remove, alter, or pull down such work.

NOTE.—This clause gives the person concerned an opportunity of showing cause why any work which may be regarded by the Local Authority as contravening the byelaws should not be altered or pulled down, and failing his showing sufficient cause, it intimates that the Local Authority may themselves have it altered or pulled down.

The last paragraph of the clause follows the terms of sec. 157 of the Public Health Act, 1875, in rendering the exercise of the power which the Local Authority assume, subject to the provisions of the Act. It is indeed essential that a Local Authority, before they proceed to apply the very strong remedy which the clause affords, should satisfy themselves that the circumstances of the case are not such as to impose any statutory restriction on their action. It is especially important that they should ascertain that the person whose work they propose to demolish, &c., is not protected under sec. 158* of the Public Health Act, 1875. In order that the Local Authority may be prevented from taking action with undue haste, and indeed, in order to render the clause reasonable, it provides for the hearing of the person interested in opposition to the proposed demolition. In connexion with this clause it may be useful to refer to the case of *Masters v. Pontypool Local Board* (L.R., 9 Ch.D., 677; 47 L.J. (n.s.), Ch.D., 797), in which it was held that a local board having approved of a plan, and having allowed a house-owner to proceed and pull down the front wall of his house, could not afterwards avail itself of the powers acquired when the front of a house had been taken down; and where a local board has not, during the month prescribed by the Public Health Act, 1875, s. 158, signified its disapproval of plans laid before it, it cannot afterwards object to the building according to the plan, nor can it under sec. 158 pull down a building without giving the owner an opportunity of showing cause why it should not be pulled down. In *Clark v. Bloomfield* (1 T.L.R., 323), it was further held that if a Local Authority

Work done in contravention of byelaws may be removed, altered, or pulled down.

* This section is printed *in extenso* in Appendix No. II., p. 221.

did not approve or disapprove plans within a month they could neither pull down any work done in conformity with such plans, nor proceed for penalties for breach of any byelaw.

In the case of *Hopkins v. Smethwick Local Board* (54 J.P., 246), an action for trespass was brought against a local board. Denman, J., in delivering judgment, referred to the case of *Cooper v. Wandsworth District Board* (32 L.T.C.P., 185), in which it was held that an order for causing the demolition of a house ought not to be made without the person affected having an opportunity of showing cause against it, and said that in this case "a resolution was passed by the board directing the surveyor to take down the whole of the property now being erected by C. Hopkins in Grove Lane, consisting of six houses, such property having been erected contrary to the byelaws of the board." No notice of this resolution was given to the plaintiffs, and no opportunity given to them of going before the board and showing cause against the execution of the order. The case of *Cooper v. Wandsworth District Board*, approved by Lord Justice Fry in the later case of *Masters v. Pontypool Local Board*, showed that such an order as this ought not to be carried out without the person affected having a chance of showing cause against it. Judgment was therefore given against the Local Board. This decision was upheld by the Court of Appeal (*Hopkins v. Smethwick Local Board* (24 Q.B.D., 712; 59 L.J., Q.B., 250; 6 T.L.R., 286), when the Master of the Rolls, in delivering judgment, said that the power which the Local Board had assumed to exercise was a power affecting the property of the plaintiff in the most highly penal way possible. Those who had authority to exercise such a power must take every care to follow out each necessary step in the strictest manner. The case of *Cooper v. The Wandsworth District Board* was an authority to show that where a local board had power on the misconduct of a building owner to enter on his land and demolish the offending building, there was a necessary implication by the fundamental principles of justice that they must give the owner notice of their intention to take that step. That case appeared to be rightly decided and on sound principles, and it governed the present case.

In a later case, *Reg. v. West Cowes Local Board*, the issue of a *mandamus*, to compel a local board to enforce their byelaws in a case in which it was admitted that there had been a contravention of a byelaw, was refused, as it appeared that the Local Board having given notice to the builder, had considered whether the building should be pulled down, and had decided not to take any action.

A Rural Sanitary Authority was held not to be liable for damage in pulling down a building erected contrary to byelaws. They were entitled to pull down the offending building consistently with safety in any way they pleased, but not in a dangerous way. *Jagger v. Doncaster R.S.A.* (54 J.P., 438).

*Repeal of Byelaws.**

100. From and after the date of the confirmation of these byelaws, the byelaws relating to new streets and buildings which were made on the _____ day of _____ in the year one thousand eight hundred and _____

* If this clause is not included in the series submitted to the Local Government Board for approval, it should be stated whether or not there are any byelaws in force upon the subject.

by the _____ and were confirmed on the _____
day of _____ in the year one thousand eight hundred
and _____ by [one of Her Majesty's Principal
Secretaries of State] [the Local Government Board] shall be
repealed, except as regards any work commenced before the
date of the confirmation of this byelaw, or any work not so
commenced, but of which plans shall either have been approved
by the Council before such date, or have been sent to the
surveyor or clerk to the Council one month at least before such
date, and shall not have been disapproved by the Council.

BYELAWS

WITH RESPECT TO

SLAUGHTER-HOUSES.

MEMORANDUM.

Section 169 of the Public Health Act, 1875, (38 & 39 Vict., c. 55,) enacts that “for the purpose of enabling any Urban Authority to regulate slaughter-houses within their district, the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses, shall be incorporated with this Act.”

Of the incorporated provisions of the 10 & 11 Vict., c. 34, sec. 128* is in the following terms :

“The Commissioners [Urban Sanitary Authority] shall, from time to time, by byelaws make regulations for the licensing, registering, and inspection of the . . . , slaughter-houses and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours, and requiring them to be provided with a sufficient supply of water; and they may impose pecuniary penalties on persons breaking such byelaws; provided that no such penalty exceed for any one offence the sum of five pounds, and in the case of a continuing nuisance the sum of ten shillings for every day during which such nuisance shall be continued after the conviction for the first offence.”

By the next section, 129,* it is provided that the “justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the special Act [*i.e.*, the 38 & 39 Vict., c. 55], or of the non-observance of any of the byelaws or regulations made by virtue of this or the special Act, in addition to the penalty imposed on such person under the authority of this or the special Act, may suspend, for any period not exceeding two months, the licence granted to such person under this or the special Act, or in case such person be the owner or proprietor of any registered slaughter-house may forbid, for any period not exceeding two months, the slaughtering of cattle therein; and such justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the special Act, declare the licence granted under this or the special Act revoked, or if such person be the

* These sections are printed *in extenso* in Appendix No. II., p. 229.

owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the licence of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any licence whatever to the person whose licence has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden."

Further, by section 130* it is enacted that "every person who during the period for which any such licence is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house to which such licence relates, or otherwise uses such slaughter-house or allows the same to be used as a slaughter-house and every person who during the period that the slaughtering of cattle in any such registered slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding five pounds for such offence, and a further penalty of five pounds for every day on which any such offence is committed after the conviction for the first offence."

In connexion with these provisions, and those relating to the licensing and registration of slaughter-houses, in sections 125-127,* the attention of the Sanitary Authority should be directed to the judgment of the Court of Exchequer Chamber in the case of *Anthony v. The Brecon Markets Company* (26 L.T., n.s., 982†).

With reference to that judgment, a few observations may here be introduced in illustration of the nature and extent of the powers of the Sanitary Authority with regard to slaughter-houses.

It will be seen that the provisions of the Towns Improvement Clauses Act, 1847, incorporated with the Public Health Act, 1875, by section 169,‡ recognise two classes of slaughter-houses, viz., slaughter-houses in use and occupation at the time of the passing of the "special Act," and slaughter-houses not in use and occupation at that time. To the former class the requirements as to registration in section 127* are specially applicable. To the latter class the provisions as to licensing in sections 125-126* have direct reference.

Both classes may apparently be regulated by byelaws under section 128.*

* These sections are printed *in extenso* in Appendix No. II., pp. 228 to 230.

† As to this judgment see *post*, p. 192.

‡ This section is printed *in extenso* in Appendix No. II., p. 222.

In framing a model series of byelaws under that enactment, the Board have considered that the statutory terms do not warrant the extension of the scope of the byelaws to regulations directly affecting the structure of the premises.

But as regards premises for which under section 126* the licence of the Sanitary Authority will be required, the Board have been advised that, in the exercise of the discretionary power of licensing which has been conferred upon the Sanitary Authority, the following rules as to site and structure should influence their decision upon each application for a licence :

1. The premises to be erected or to be used and occupied as a slaughter-house should not be within 100 feet of any dwelling-house ; and the site should be such as to admit of free ventilation by direct communication with the external air on two sides at least of the slaughter-house.

2. Lairs for cattle in connexion with the slaughter-house should not be within 100 feet of a dwelling-house.

3. The slaughter-house should not in any part be below the surface of the adjoining ground.

4. The approach to the slaughter-house should not be on an incline of more than one in four, and should not be through any dwelling-house or shop.

5. No room or loft should be constructed over the slaughter-house.

6. The slaughter-house should be provided with an adequate tank or other proper receptacle for water, so placed that the bottom shall not be less than six feet above the level of the floor of the slaughter-house.

7. The slaughter-house should be provided with means of thorough ventilation.

8. The slaughter-house should be well paved with asphalt or concrete, and laid with proper slope and channel towards a gully, which should be properly trapped and covered with a grating, the bars of which should be not more than three-eighths of an inch apart.

Provision for the effectual drainage of the slaughter-house should also be made.

9. The surface of the walls in the interior of the slaughter-house should be covered with hard, smooth, impervious material, to a sufficient height.

10. No watercloset, privy, or cesspool should be constructed within the slaughter-house.

* This section is printed *in extenso* in Appendix No. II., pp. 228.

There should be no direct communication between the slaughter-house and any stable, watercloset, privy, or cesspool.

11. Every lair for cattle in connexion with the slaughter-house should be properly paved, drained, and ventilated.

No habitable room should be constructed over any lair.

Local Government Board,
25th July, 1877.

JOHN LAMBERT,
Secretary.

NOTE.—Some explanatory comment may be helpful as regards certain of the above rules :—

Rule 3. The condition here referred to is important, partly to allow of surface drainage externally, partly because a sunken floor is not easily cleansed of solid filth, and partly for the convenience of cattle.

Rule 4. The intention in the first part of this rule is to avoid steps, and in their place to secure easy means of ascent and descent.

Rule 5. This prohibition is important to prevent the provision of dwelling accommodation over a slaughter-house, and also to facilitate efficient ventilation.

Rule 6. The provision referred to is intended to allow of the easy and frequent use of a hose for flushing and cleansing the floor and walls to a height of some six feet.

Rule 8. In connexion with the flooring, it is important to avoid such materials as flags, bricks, &c., which are apt to get loose and to facilitate the collection of filth beneath them. The gully referred to should be outside the slaughter-house.

Rule 9. The height here referred to is that which is liable to be splashed by blood, &c. ; a smooth dado would facilitate the needed thorough cleansing.

In the same connexion the following extract, from the official report made by Dr. Ballard, F.R.S., to the Local Government Board, in so far as it relates to the mode of preventing nuisances from slaughtering by due arrangement and construction of slaughter-house, deserves attentive consideration :—

Extract from Dr. Ballard's Official Report on Effluvium Nuisances arising in connection with the Slaughtering of Animals.—Annual Report of the Medical Officer of the Local Government Board for the year 1876 [C.—1909].

Mode of preventing nuisances from slaughter-houses. “The essentials of slaughtering so as to avoid nuisances are scrupulous cleanliness of the slaughter-house and pound, of the atmosphere of both, and of all utensils, and the speedy removal of all decomposable matters. The business ought to be so worked that, except during the time when actual slaughtering is

going on, there should be no unpleasant odour of any kind perceptible within the premises or proceeding from them. In order to ensure these results much care is requisite in respect of details of construction of the buildings, and in respect of the mode of conducting the business.

“I. As to the arrangement and construction of the buildings :—

I. By due arrangement and construction of slaughter-house.

“1. The slaughter-house and pound should not be contiguous to any inhabited buildings ; *a fortiori*, they should not, either of them, be within a dwelling-house or directly or indirectly communicating with one. The slaughter-house and pound should be two distinct and separate buildings, or should at least be capable of being entirely shut off from each other. 2. The inner surface of the walls of both should be of brick or stone, and the surface should be covered with a layer of lime-wash which can be renewed from time to time. The lower parts of the wall, to the height of five or six feet, should be covered with smooth cement, slabs of slate, zinc sheeting, or some similarly impervious material capable of being washed clean with water. At Mr. T. Harris's slaughter-house at Calne, where, from the mode of killing, blood becomes scattered high upon the wall, the whole of the walls are covered with a smooth cement. There should be no exposed woodwork within the slaughter-house ; any woodwork which there may be should be covered with a layer of paint, tar, or zinc sheeting. 3. The flooring of the slaughter-house should be of some uniform material, sufficiently even to be capable of ready and thorough cleansing with water and a brush, and sufficiently rough to avoid slipping upon it. At the same time it should be firm and incapable of giving way under the fall of heavy beasts, or of breaking under rough usage. Paving with York flagstones set with cement is the paving most commonly met with both in London and in the country ; and is, I find, generally preferred by many slaughtermen whose opinion is worth having, to any other paving of a jointed character. If used it should be laid upon a firm basis of four to six inches of good concrete. But the objections to it are its slipperiness when blood and other matters from the animals slaughtered become spilt upon it, the tendency there is to the cracking and loosening of the stones (when blood or other liquids may percolate between them and through the cracks), and the frequent loosening and breaking away of the cement with which they are set, partly as the fault of the slaughtermen, who commonly use the intervals between the stones for the support of their prytsches, instead of using the prytsch-holes provided in the surface of the

stones themselves. The best paving of all is an even jointless paving, sufficiently hard and firm to resist rough usage and sufficiently rough not to be slippery. Such a pavement is furnished by some concrete and some asphalt compositions.

* * * * * With a jointless paving, and with the wall-surfaces protected as I have recommended, it is possible to maintain perfect cleanliness and sweetness of the whole inner surface of the slaughter-house. 4. The paving should be so sloped as that liquid matters shall run off to a proper channel leading to the inlet of a duly laid pipe drain. This inlet should be outside the slaughter-house, and should be provided with means of arresting the flow of anything but liquid matter into the drain. 5. Slaughter-houses and pounds should be separately and very freely ventilated, preferably by louvres at the roof or in opposite walls, so as to provide for a horizontal movement of air across all the upper part.

II. By
proper
mode of
conducting
the
business.

“ II. As to the conduct of the business :—

“ 1. During the process of slaughtering, as much care as possible should be taken to prevent the discharge of blood or other animal matters upon the floor of the slaughter-house. The emptying of the contents of the viscera should, where practicable, be performed in a separate place, and any filth should be swept up from the floor and taken away at short intervals. 2. Hides, skins, blood, fat, offal, dung, and garbage should be removed from the slaughter-house as speedily as possible, and while they remain on the premises should be so kept as not to become sources of nuisance. Where hides or skins are necessarily retained for a day or two before they can be removed, they might without injury be advantageously (especially in the summer) brushed over on the fleshy side with a solution of carbolic acid or some other antiseptic. Fat should be freely exposed to the air in a cool place. Blood, offal, dung, and other garbage should be placed in covered, movable receptacles, constructed of galvanized iron or other non-absorbent material. Such articles as have been last mentioned should be, under any circumstances, removed from the premises, without undue delay, in the vessels in which they have been placed. A dung pit, as a substitute for immediate removal, need not be requisite in any Urban Sanitary District properly administered. 3. Immediately slaughtering is completed, the whole slaughter-house floor and walls (to the height of the impervious portion) should be thoroughly washed with water, and the pound thoroughly cleased. All the vessels and implements used in the slaughtering, or brought from outside into the premises, should be made and kept clean

and sweet. The inner walls of the slaughter-house and pound should have their surface periodically renovated by lime-washing.

In connexion with the confirmation of byelaws as to slaughter-houses, the Local Government Board issued a circular dealing with certain statutes which formed part of the legislation of 1884. Annexed is an extract from that circular :—

Confirmation of bye-laws as to slaughter-houses.

Public Health (Confirmation of Byelaws) Act, 1884.
47 Vict., c. 12.*

In a recent case in the Queen's Bench Division, certain regulations, which had been made by the Wallasey Local Board under section 48 of the Tramways Act, 1870, and confirmed by the Local Government Board, were declared to be invalid, on the ground that they had not been allowed in manner provided by section 202 of the Towns Improvement Clauses Act, 1847, *i.e.*, by a judge of one of the superior courts, or by the justices in quarter sessions. The decision of the Court in this case threw some doubt on the validity, not only of regulations made by other urban sanitary authorities under the Tramways Act, but also of byelaws as to slaughter-houses made by sanitary authorities under section 128 of the Towns Improvement Clauses Act, 1847. In the new Act the sections above mentioned are referred to as "the incorporated enactments."

It was the manifest intention of section 184 of the Public Health Act, 1875, that byelaws made under these enactments should be confirmed by the Local Government Board, and that when so confirmed they should not require confirmation, allowance, or approval by any other authority. The present Act has accordingly been framed so as to give full effect to this intention both as regards existing and future byelaws. The Act applies to byelaws made under the incorporated enactments by reason of the incorporation thereof, not only with the Public Health Act, 1875, but also with the Public Health Act, 1848, and the Local Government Act, 1858, or with any Local Act or Provisional Order, or Act confirming such Provisional Order, and also to rules and regulations made under section 48 of the Tramways Act, 1870, all of which, whether already made or hereafter to be made, the Act provides are to be deemed to have required or to require the confirmation of the Local Government Board or their predecessors, and not to have required or to require any other confirmation, allowance, or approval.

* This Act is printed *in extenso* in Appendix No. II., p. 236.

The Act contains a saving clause to the effect that it shall not invalidate the confirmation, allowance, or approval of any byelaw, rule, or regulation confirmed, allowed, or approved prior to its passing, nor apply to any byelaw made or to be made, under any of the incorporated enactments by reason of the incorporation thereof with any Local Act, if such byelaw has or will come into force without any confirmation, allowance, or approval, or if by the express provisions of the Local Act, and without reference to the provisions with respect to confirmation, allowance, or approval of byelaws in any of the incorporated Acts, such byelaw is required to be confirmed, allowed, or approved, otherwise than by the Local Government Board or their predecessors.

NOTE.—The following is an extract from the Judgment in the Court of Exchequer Chamber in *Anthony v. The Brecon Markets Company* (26 L.T., n.s., 982) referred to in the Memorandum *ante*, p. 186. Per Willes, J.:—"The other Statute of the same year relating to slaughter-houses is the 10 & 11 Vict., c. 34, by which, in sections 125 to 131 inclusive, various powers are given as to slaughter-houses to Commissioners appointed under the Statute. It is called the Towns Improvement Act. By section 125 'the Commissioners may licence such slaughter-houses and knackers' yards as they from time to time think proper for slaughtering cattle within the limits of the special Act.' Then section 126 enacts that 'no place shall be used or occupied as a slaughter-house or knackers' yard within the said limits which was not in such use or occupation at the time of the passing of the Special Act and has so continued ever since, unless and until a licence for the erection thereof or for the use and occupation thereof as a slaughter-house or knackers' yard has been obtained from the Commissioners.' There, the Legislature is speaking of future slaughter-houses, and omitting those previously erected. What is that licence to be for? It has hardly been even *suggested* that there was to be a separate licence for the erection of a slaughter-house, and a subsequent licence for the use when erected. That might be a possible construction of the enactment, but it would practically be such a subtle and refined construction, preventing people spending their money on slaughter-houses, that it is one which ought not to be adopted. I think the true meaning . . . was that a licence to erect a slaughter-house means, *primâ facie*, to erect a slaughter-house *which shall be used as a slaughter-house*, and not that there should be two separate licences, one for the erection and another for the use. True, in two subsequent sections the *abuse* of the slaughter-house may lead to its suspension or its abolition, and perhaps then the licence for the use may come into plan separately. But a licence given for the erection of a slaughter-house means a licence for a slaughter-house to be used as a slaughter-house."

BYELAWS

WITH RESPECT TO

SLAUGHTER-HOUSES.

For the licensing, registering, and inspection of slaughter-houses, for preventing cruelty therein, for keeping the same in a cleanly and proper state, for removing filth at least once in every twenty-four hours, and requiring such slaughter-houses to be provided with a sufficient supply of water.

1. Every person who shall apply to the Sanitary Authority for a licence for the erection of any premises to be used and occupied as a slaughter-house shall furnish in the form hereunto appended a true statement of the particulars therein required to be specified.

Require-
ments on
applica-
tion for a
licence for
the erec-
tion of a
slaughter-
house.

Form of application for a licence to erect premises for use and occupation as a slaughter-house.

To the Sanitary Authority for the District of .

I, , of ,

, do hereby apply to you for a licence, in pursuance of the statutory provisions in that behalf, for the erection of certain premises to be used and occupied as a slaughter-house ; and I do hereby declare that to the best of my knowledge and belief the Schedule hereunto annexed contains a true statement of the several particulars therein set forth with respect to the said premises.

1. Boundaries, area, and description of the proposed site of the premises to be erected for use and occupation as a slaughter-house.
2. Description of the premises to be erected on such site :
 - (a.) Nature, position, form, superficial area, and cubical contents of the several buildings therein comprised.
 - (b.) Extent of paved area in such buildings, and materials to be employed in the paving of such area.
 - (c.) Mode of construction of the internal surface of the walls of such buildings, and materials to be employed in such construction.
 - (d.) Means of water supply,—position, form, materials, mode of construction, and capacity of the several cisterns, tanks, or other receptacles for water to be constructed for permanent use in or upon the premises.
 - (e.) Means of drainage,—position, size, materials, and mode of construction of the several drains.
 - (f.) Means of lighting and ventilation.
 - (g.) Means of access for cattle from the nearest street or public thoroughfare.
 - (h.) Number, position, and dimensions of the several stalls, pens, or lairs to be provided on the premises.
 - (i.) Number of animals for which accommodation will be provided in such stalls, pens, or lairs, distinguishing—
 1. Oxen.
 2. Calves.
 3. Sheep or lambs.
 4. Swine.

Witness my hand this

day of

189

(Signature of Applicant.)

(Address of Applicant.)

NOTE.—This form should be used in cases in which the applicant wishes to erect premises for use as a slaughter-house. It rests with the Sanitary Authority to grant or to refuse a licence, and hence it is of the first importance that they should have before them such details as to the proposed premises as will enable them to form a right decision on the application. The requirements to be held in view are, to a great extent, specified in the prefatory memorandum to this series of byelaws, see p. 185, as also in the extract from Dr. Ballard's official report, p. 188, and it is the more important to have regard to them because regulations cannot properly be made under these byelaws as to the structure of premises. A plan of the buildings should necessarily be required under the byelaws in force in this district with respect to New Buildings (see as to this, clause No. 92 of the series as to New Streets and Buildings, p. 172). The byelaws relating to the same subject will, in many other important respects, have to be observed in the erection of the premises.

2. Every person who shall apply to the Sanitary Authority for a licence for the use and occupation of any premises as a slaughter-house shall furnish in the form hereunto appended a true statement of the particulars therein required to be specified.

Require-
ments on
application
for the use
of premises
as a
slaughter-
house.

Form of application for a licence for the use and occupation of premises as a slaughter-house.

To the Sanitary Authority for the District of _____.

I, _____,

of _____,

do hereby apply to you for a licence, in pursuance of the statutory provisions in that behalf, for the use and occupation as a slaughter-house of the premises herein-after described; and I do hereby declare that to the best of my knowledge and belief the Schedule hereunto annexed contains a true statement of the several particulars therein set forth with respect to the said premises.

SCHEDULE.

1. Situation and boundaries of the premises to be used and occupied as a slaughter-house.
2. Christian name, surname, and address of the owner of the premises.
3. Nature and conditions of applicant's tenure of the premises :
 - (a.) For what term; and whether by lease or otherwise.
 - (b.) Whether applicant is sole owner, lessee, or tenant; or whether applicant is jointly interested with any other person or persons, and if so, with whom.
4. Description of the premises :
 - (a.) Nature, position, form, superficial area, and cubical contents of the several buildings therein comprised.
 - (b.) Extent of paved area in such buildings, and materials employed in the paving of such area.
 - (c.) Mode of construction of the internal surface of the walls of such buildings and materials employed in such construction.
 - (d.) Means of water supply,—position, form, materials, mode of construction, and capacity of the several cisterns, tanks, or receptacles for water, constructed for permanent use in or upon the premises.
 - (e.) Means of drainage,—position, size, materials, and mode of construction of the several drains.
 - (f.) Means of lighting and ventilation.
 - (g.) Means of access for cattle from the nearest street or public thoroughfare.
 - (h.) Number, position, and dimensions of the several stalls, pens, or lairs provided on the premises.
 - (i.) Number of animals for which accommodation will be provided in such stalls, pens, or lairs, distinguishing—
 1. Oxen.
 2. Calves.
 3. Sheep or lambs.
 4. Swine.

Witness my hand this _____

day of _____

189 _____

(Signature of Applicant.)

(Address of Applicant.)

NOTE.—This clause differs from clause No. 1, inasmuch as it relates to premises already built, and as to which a licence for use as a slaughter-house is in question; indeed, the premises may heretofore have been used as a slaughter-house. So, also, if a licence has been revoked under sec. 129* of the 10 & 11 Vict., c. 34, the form should be used by the applicant for a fresh licence. On this point, see the remarks of Mr. Justice Willes—*Anthony v. The Brecon Markets Company*, (26 L.T., n.s., 982), *ante* p. 192. In the absence of any express enactment empowering the Sanitary Authority to impose any limit to the duration of the licence, it has been considered that the licence is tenable until revoked by justices on conviction by a second or subsequent offence, the condition of the licence being observance of the byelaws under section 129.* It will be noted, however, that the last-mentioned enactment authorizes the justices before whom any person is convicted, to suspend for any period not exceeding two months the licence granted to such person, &c., &c. The Local Government Board have stated that their attention has been drawn to a case (*Taylor v. Lyson*) alleged to have been decided by the Court of Queen's Bench on an appeal from the decision of the Stipendiary Magistrate at Salford. The question raised in this case appears to have been whether the Town Council of Salford were bound to grant a licence for an unlimited period, subject only to be revoked on misconduct, and it appears to have been decided in the negative. The Board state that they were informed that although in the instance referred to the Town Council were proceeding under a Local Act (the Salford Improvement Act, 1862), the Court held generally that where there is no obligation to grant a licence it may be limited as to time. There does not appear to be any authentic report of the case in question, and the Local Government Board have expressed a very decided opinion that, apart from the decision stated to have been arrived at in that case, they are not aware of any ground for contending that a licence can be granted for a limited time, and that under these circumstances, having regard to the doubt which exists upon the point, they are not disposed to confirm any byelaws the object of which is to give express power to local authorities to grant temporary licences. This difficulty can now be removed by the adoption of Part III. of the Public Health Acts Amendment Act, 1890, section 29 of which empowers Sanitary Authorities to limit the duration of licences to any term not less than a year.

Form of
licence
to erect a
slaughter-
house.

3. Every person to whom the Sanitary Authority may have resolved that a licence be granted to erect premises for use and occupation as a slaughter-house shall be entitled to receive from the Sanitary Authority a licence in the form hereunto appended, or to the like effect.

Form of licence to erect premises for use and occupation as a slaughter-house.

No. of }
Licence } _____
Reference to }
Folio in Register } _____
District of _____

Whereas application has been made to us, the Sanitary Authority for the District of _____, by _____ of _____, for a licence to erect on a site within the said district certain premises for use and occupation as a slaughter-house :

* This section is printed *in extenso* in Appendix No. II., p. 229.

Now, we, the said Sanitary Authority, in pursuance of the powers conferred upon us by the statutory provisions in that behalf, do hereby license the said _____, of _____, to erect for use and occupation as a slaughter-house upon the site defined or described in the Schedule hereunto annexed the premises whereof the description is set forth in the said Schedule.

SCHEDULE.

Boundaries, area, and description of the proposed site of the premises to be erected for use and occupation as a slaughter-house.	Description of the premises to be erected for use and occupation as a slaughter-house.



Given under the Common Seal of the Sanitary
Authority for the District of
this _____ day of _____,
in the year One thousand eight hundred and
ninety-

Clerk to the Sanitary Authority.

NOTE.—It is important that by means of some such clause as this, an exact description of the boundaries, area, &c., of the premises to be erected should be given. The want of such a description is apt to lead to difficulties such as are shown to have arisen in two cases that came before the Courts some years ago. In the case of *The Brighton Local Board of Health* (apps.) v. *Stenning* (resp.), (15 L.T., 567), prior to the coming into operation in the town of Brighton of the Local Government Act, 1858, the Respondent had occupied premises in a certain street there for the purpose of slaughtering pigs. These premises consisted of a yard with entrance by closed doors or gates from the street, and in the yard, pig-pens, a cartshed used for slaughtering pigs, and a stable for horses. Whilst the premises were so used, the Respondent, upon the coming into operation of the said Local Government Act, obtained a licence under section 127 of the Towns Improvement Act, 1847, (incorporated with the said Act,) which licence stated that the animals to be slaughtered were “pigs.” . . . Since obtaining such licence the Respondent had converted the stables into another slaughtering-shed, and used the same for slaughtering bullocks and sheep therein. Upon an information for using this stable as a slaughter-house without having obtained a licence for that purpose, the justices held that upon a proper application of the law to the facts, the Respondent was entitled to use the stable as he did, for that the stable, as forming an original portion of the premises licensed as a “slaughter-house” was covered by such licence. Upon a case stated for the opinion of the Court of Queen’s Bench, it was held that the justices were right in their determination. In the case of *Hanman* (app.) v. *Adkins* (resp.), (40 J.P., p. 744), it appeared that a local Act incorporated the Towns Improvement Clauses Act, and the Appellant had duly registered his slaughter-house under that Act.

Lately he had rebuilt a ruinous part of the premises, and also added a little to the area inclosed within the walls of the premises when rebuilt. It was held that the enlarged premises did not require a licence from the Town Council, as they continued, notwithstanding the addition and partial rebuilding, the same place which had been used before the passing of the Towns Improvement Clauses Act. Reference to the case of *Anthony v. Brecon Markets Company* (see Note to clause No. 2, p. 196) goes to show that a licence to erect premises does not require to be supplemented by a further licence to use the premises.

Form of
licence to
use pre-
mises as a
slaughter-
house.

4. Every person to whom the Sanitary Authority may have resolved that a licence be granted for the use and occupation of any premises as a slaughter-house shall be entitled to receive from the Sanitary Authority a licence in the form hereunto appended, or to the like effect.

Form of licence for the use and occupation of premises as a slaughter-house.

No. of }
Licence } _____
Reference to }
Folio in Register } _____

District of _____

Whereas application has been made to us, the Sanitary Authority for the District of _____, by _____, of _____, for a licence for the use and occupation of certain premises as a slaughter-house :

Now, we, the said Sanitary Authority, in pursuance of the powers conferred upon us by the statutory provisions in that behalf, do hereby license the said _____, of _____, to use and occupy as a slaughter-house, the premises whereof the situation and description are set forth in the Schedule hereunto annexed.

SCHEDULE.

Situation of the premises to be used and occupied as a slaughter-house.	Description of the premises to be used and occupied as a slaughter-house.



Given under the Common Seal of the Sanitary Authority for the District of _____, this _____ day of _____ in the year One thousand eight hundred and ninety-

Clerk to the Sanitary Authority.

NOTE.—As to the conditions which should be required in order to secure a licence to use and occupy a slaughter-house, see Note to clause No. 1, p. 194, and rules included in the prefatory memorandum, p. 185, also the extract from Dr. Ballard's Official Report on Effluvium Nuisances in connexion with slaughter-houses, p. 188.

Where Part III. of the Public Health Acts Amendment Act, 1890, is in force, the forms of licences will have to be endorsed with a notice as to the enactment in sec. 30 of the Act, which requires occupiers to notify any change in the occupation of the premises. The licences should also be altered so as to admit of their being made renewable in accordance with section 29. Altered Forms are issued by Messrs. Knight & Co.

5. Every person who may have obtained from the Sanitary Authority, in accordance with the provisions of the byelaw in that behalf, a licence to erect any premises for use and occupation as a slaughter-house, or a licence for the use and occupation of any premises as a slaughter-house, shall register such premises at the office of the Sanitary Authority.

He shall, for such purpose, apply, by notice in writing, addressed to the clerk to the Sanitary Authority, to register such premises; and thereupon it shall be the duty of the clerk to the Sanitary Authority, within a reasonable time after the receipt of such notice in writing, to enter in a book to be provided by the Sanitary Authority, in the form hereunto appended, the particulars therein required to be specified.

Form of register of slaughter-houses.

[illegible]

NOTE.—This clause imposes upon the holder of a licence the duty of registering the premises at the office of the Sanitary Authority. In regard to premises which may be the subject of a licence, the register is intended to record details as

to which it is essential that information should be readily accessible to the Sanitary Authority, and those of their members and officers to whom they delegate their duties or whose duties comprise the supervision of premises of this description. It should be observed that under 10 & 11 Viet., c. 34, sec. 127,* “every place within the limits of the Special Act,† which shall be used as a slaughter-house or knaeker’s yard, shall, within three months after the passing of such Act, be registered by the owner or occupier thereof, &c., &c.” In the case of premises to which section 127* applies, it will be seen that the liability to register is imposed by express enactment. And it may be convenient to observe that the privilege which the owner or occupier of a slaughter-house thus registered derives from the last-cited section may be effected in the manner indicated in section 129* of 10 & 11 Viet., c. 34, under which the Justices may forbid either for a definite period not exceeding two months, or absolutely upon a second or subsequent conviction, the slaughtering of any cattle therein. And whenever the slaughtering has been absolutely forbidden, the owner or proprietor can only regain the right to use the premises as a slaughter-house by a fresh licence from the Sanitary Authority.

Officers,
&c., to
have free
access to
premises.

6. Every occupier of a slaughter-house shall, at all reasonable times, afford free access to every part of the premises to the Medical Officer of Health, the Inspector of Nuisances, or the Surveyor of the Sanitary Authority, or to any committee specially appointed by the Sanitary Authority in that behalf, for the purpose of inspecting such premises.

NOTE.—Systematic and frequent inspection of slaughter-houses by the officers or representatives of the Sanitary Authority is of the first importance, but, at the same time, it is most desirable that those who make the inspection should do so in their official capacities. Hence it is better that such a clause as the above should not include “all members of the Sanitary Authority,” but that the duty of inspection should be delegated to the officers named or to a committee of the Authority. It will be observed that the access required by this clause is “for the purpose of inspecting the premises.” For the purposes of inspecting as to meat diseased or unfit for the food of man, provision is made in section 131* of 10 & 11 Viet., c. 34; and section 102‡ of the Public Health Act, 1875, gives the power of entry to the Local Authority, or any of their officers, into any premises for the purpose of examining as to the existence of any nuisance.

Water to
be pro-
vided for
animals to
be slaugh-
tered.

7. Every occupier of a slaughter-house shall cause every animal brought to such slaughter-house for the purpose of being slaughtered, and confined in any pound, stall, pen, or lair upon the premises previously to being slaughtered, to be provided during such confinement with a sufficient quantity of wholesome water.

NOTE.—This very proper provision comes within the scope of byelaws made under section 128* of 10 and 11 Viet., c. 34, inasmuch as it relates to the prevention of cruelty.

* These sections are printed *in extenso* in Appendix No. II., pp. 229, 230.

† As to this special Act, see section 316 of the Public Health Act, 1875, Appendix No. II., p. 226.

‡ This section is printed *in extenso* in Appendix No. II., p. 217.

As regards the definition of the term "pound" . . . "lair," &c., reference may usefully be made to that portion of Dr. Ballard's Official Report on Effluvium Nuisances* which deals with the slaughter-houses. At page 142 of that report he writes as follows:—"As to the keeping of the animals prior to slaughter. Unless a butcher slaughters the animals he has purchased on the day of purchase, he must deposit them somewhere, and at that place they may require to be fed. A place used for this purpose is properly designated a 'lair,' and in such a place animals may be and are kept for several days. But, again, he must have on his premises, and close to the slaughter-house, a place where animals which are intended for immediate slaughter may stand. Such a place is properly termed a 'pound.' Animals are sometimes kept in the 'lairs' for several days, but they are only properly kept in the 'pound' for a few hours. In the best public *abattoirs*, this distinction between the 'lairs' and the 'pound' is maintained. . . . In the best arranged slaughter-houses, both public and private, that I have seen, the pound is separated by a free space from the slaughter-houses. . . ."

8. Every occupier of a slaughter-house and every servant of such occupier and every other person employed upon the premises in the slaughtering of cattle shall, before proceeding to slaughter any bull, ox, cow, heifer, or steer, cause the head of such animal to be securely fastened so as to enable such animal to be felled with as little pain or suffering as practicable, and shall in the process of slaughtering any animal use such instruments and appliances and adopt such method of slaughtering and otherwise take such precautions as may be requisite to secure the infliction of as little pain or suffering as practicable.

Prevention of unnecessary pain, &c., during slaughtering.

NOTE.—This clause relates to the prevention of cruelty. The first part requires that animals which are felled before being slaughtered should have their heads so fixed that the full effect of the blow shall not fail owing to a movement on the part of the animal or otherwise. So, also, whilst it is undesirable to specify special methods of slaughtering for different animals, some such general provision, as to instruments, &c., as that which is contained in the latter portion of the clause will for the same purpose of preventing cruelty be found to facilitate the control of the Sanitary Authority over the operations of the slaughter-houses. As to the various methods of slaughtering commonly adopted, see pages 143-145 of Dr. Ballard's Report referred to in the Note to clause No. 7.

9. Every occupier of a slaughter-house shall cause the means of ventilation provided in or in connexion with such slaughter-house to be kept at all times in proper order and efficient action; and so that the ventilation shall be by direct communication with the external air.

Ventilation to be maintained in proper order, &c.

NOTE.—The provision of adequate means of ventilation having been required as a condition of licence (see Prefatory Memorandum, rule 7, p. 185), this clause, whilst not relating primarily to matters of construction, requires that the means

* Supplement by the Medical Officer to the Sixth Annual Report of the Local Government Board [C.—1909].

of ventilation shall be maintained as a condition necessary to the "cleanly and proper state" of the premises.

As to the best means of maintaining a slaughter-house in proper order and efficient action, see the extract from Dr. Ballard's Official Report on Effluvium Nuisances in connexion with slaughter-houses, at p. 188.

Drainage
to be
properly
main-
tained.

10. Every occupier of a slaughter-house shall cause the drainage provided in or in connexion with such slaughter-house to be kept at all times in proper order and efficient action.

NOTE.—This clause, like the preceding one, has reference to the maintenance in proper order and efficient action of one of the conditions—proper drainage—which should have been held essential to the granting of the licence. See Prefatory Memorandum, rules 3, 4, and 8, p. 188. See also the extract from Dr. Ballard's Official Report on Effluvium Nuisance in connection with slaughter-houses, at pp. 188 to 191.

Mainte-
nance of
slaughter-
house in
good re-
pair.

11. Every occupier of a slaughter-house shall cause every part of the internal surface of the walls and every part of the floor or pavement of such slaughter-house to be kept at all times in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon, or any offensive or noxious matter which may be deposited thereon or brought in contact therewith.

Periodic
lime-wash-
ing and

He shall cause every part of the internal surface above the floor or pavement of such slaughter-house to be thoroughly washed with hot lime-wash at least four times in every year, that is to say, at least once during the periods between the *first* and *tenth* of *March*, the *first* and *tenth* of *June*, the *first* and *tenth* of *September*, and the *first* and *tenth* of *December*, respectively.

Cleaning
of slaugh-
ter-house.

He shall cause every part of the floor or pavement of such slaughter-house, and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilled or splashed, or with which any offensive or noxious matter may have been brought in contact during the process of slaughtering or dressing in such slaughter-house, to be thoroughly washed and cleansed within *three hours* after the completion of such slaughtering or dressing.

NOTE.—It has already been pointed out that the provision of walls and pavement adapted to the requirements of a slaughter-house should be regarded as essential before a licence is granted (see rules in and Note to Prefatory Memorandum, pp. 188 and 192), and this clause provides for their being maintained in a proper state. As regards the periodic lime-washing, the process may have to be repeated oftener, in towns where a large amount of slaughtering is continuously in progress, than is here specified. The last paragraph deals with the cleansing required after each use of the premises. In connexion with this clause reference

may usefully be made to a portion of the extract from section 28 of the Towns Police Clauses Act, 1847 (10 & 11 Vict., c. 89) in Appendix No. II., p. 231. See also the extract from Dr. Ballard's Report on Effluvium Nuisances in connexion with slaughter-houses, at pp. 188 to 191.

12. An occupier of a slaughter-house shall not at any time keep any dog, or cause or suffer any dog to be kept, in such slaughter-house.

Dogs are not to be kept in slaughter-houses.

He shall not at any time keep, or cause or suffer to be kept, in such slaughter-house any animal of which the flesh may be used for the food of man, unless such animal be so kept in preparation for the slaughtering thereof upon the premises.

Animals not to be kept there except for slaughtering:

He shall not at any time keep any cattle, or cause or suffer any cattle to be kept in such slaughter-house for a longer period than may be necessary for the purpose of preparing such cattle, whether by fasting or otherwise, for the process of slaughtering.

and then for limited period only.

If at any time he keep, or suffer to be kept in such slaughter-house any cattle for the purpose of preparation, whether by fasting or otherwise, for the process of slaughtering, he shall not cause or suffer such cattle to be confined elsewhere than in the pounds, stalls, pens, or lairs provided on the premises.

Such animals to be kept in pounds, &c.

NOTE.—The prohibition contained in the first paragraph is necessary to the maintenance of a slaughter-house in a proper state, there being a dangerous parasitic infection which slaughter-house dogs—always fed more or less on offal—are apt to assist in spreading. It is to be noted that the dog is apt to harbour in its bowel a very small tapeworm (*tænia echinococcus*), and that if the ova of this tapeworm, which are voided in great numbers by the dog, be swallowed by man or by sheep, oxen, pigs, and certain other animals, they develop in them into hydatids. The tapeworm in the bowel of the dog will have already developed from hydatid-infected food—say some hydatid-infected liver of a sheep, ox, or pig—such as the dog would be likely to swallow from time to time along with slaughter-house offal. The symptoms indicative of this tapeworm in the dog are generally quite trivial; only an expert being able to say whether the animal is playing the part of host to this *tænia*. Indeed, the effects produced by tapeworm, whether in the dog or in man, are generally trivial compared with the serious results of hydatid. On the same subject Dr. T. Spencer Cobbold, F.R.S., writes:—"The tapeworms of the dog are not only numerous, but also particularly injurious, alike to their bearers and to mankind. By experimental research we have ascertained the sources of most of the *tænia*. The serrated species . . . is common in sporting animals, owing to the careless practice of allowing . . . kennel masters to throw the fresh viscera of the intermediate hosts to the dogs." (Parasites: a Treatise on the Entozoa of Man and Animals. J. & A. Churchill, 1879.)

The second paragraph has two objects. First, it seeks to reduce to the utmost the possibility of the contamination of the air of slaughter-houses in which human food is necessarily for some time exposed, by the emanations which result from the keeping of cattle in pounds, &c., connected with them. Such keeping of animals cannot well be altogether prohibited, since the meat of animals which have had time to rest and cool before being slaughtered is better

than that of those which are killed directly after having been driven. But they must be kept in pounds, &c., and not in the portion of the slaughter-house used for slaughtering.

Secondly, the prohibition in paragraph 2 aims at preventing the keeping of pigs on the premises of slaughter-houses, owing to the risk of the parasitic infection of man. On this point, Professor Leuckart writes in his work on "The Parasites of Man" (translated by W. E. Hoyle, Edinburgh, Young J. Penland, 1886):—"Other animals furnish us with the largest contingent of our parasitic guests, but they transmit them in very different stages. The parasites which we derive from the animals used in food are adult forms, like the common tapeworm and *Trichina*. We receive them, however, in a larval state, the tapeworm in the form of the bladder-worm, the *Trichina* in its encapsuled form among the muscles. Both these forms are most commonly derived from the pig," p. 152. And again, "From the pig we derive the *Tænia solium*" . . . "The food of dogs and pigs should . . . never consist (as in slaughter-houses and skinning sheds) of the remains of slaughtered . . . animals," pp. 156, 169.

Indeed, strict compliance with the terms of Clause No. 12 may be expected to go a long way towards restraining the multiplication of human parasites, and especially of the *Tænia echinococcus* in the locality to which the clause applies.

Having regard to the liability of fowls to become tuberculous as the result of the ingestion of tubercle in discarded offal, refuse, &c., and to the facts that tubercle prevails extensively in the bovine species, and that fowls are largely used as human food, it becomes an important question whether a further clause should not be added to prohibit fowls from being kept in slaughter-houses. On the subject of tubercle in fowls, see the results of the investigations by Dr. Klein and Mr. Lingard in the Annual Reports of the Medical Officer of the Local Government Board for the years 1885 and 1886.

The slaughter, &c., of diseased animals.

It has sometimes been proposed to insert at this point a clause prohibiting the slaughter of diseased animals in any licensed slaughter-house. But in view of the stringent provision of secs. 116-119* of 38 & 39 Vict., c. 55, and those of sec. 131† of 10 & 11 Vict., c. 34, such a clause is unnecessary. Under the first enactment it will rest with the keeper of the slaughter-house to prove that any diseased or unsound meat found upon his premises was not deposited for the purpose of preparation for sale, and intended for the food of man. The penalty for an offence under that enactment is also more stringent than any that could be imposed by byelaw: indeed, on conviction the occupier may be imprisoned without the option of a fine. The penalty on conviction under the latter enactment, for having any cattle, carcass, or part of a carcass unfit for food also considerably exceeds that permissible under clause No. 16 of this series of byelaws.

In certain cases the use of a slaughter-house for the slaughter of diseased animals is recognised as permissible under several provisions of the Contagious Diseases (Animals) Act, 1878, and of the Animals Order of 1886. See especially sections 27 (v.) and 32 (xvi.) of the Act of 1878; and also Chapter 2.—Pleuro-Pneumonia (Regulation A.—For Slaughter), Chapter 3.—Foot and Mouth Disease (Regulation A.—For Slaughter), and Chapter 15.—Slaughter-houses, of the Order of 1886. ‡

The removal of skin, fat, &c., from the premises.

13. Every occupier of a slaughter-house shall cause the hide or skin, fat, and offal of every animal slaughtered on the premises to be removed therefrom within *twenty-four hours* after the completion of the slaughtering of such animal.

* These sections are printed *in extenso* in Appendix No. II., pp. 218, 219.

† This section is printed *in extenso* in Appendix No. II., p. 230.

‡ These sections are printed *in extenso* in Appendix No. II., pp. 233 to 235.

NOTE.—As to the facilities usually experienced in securing the removal of the materials referred to within the needed interval after slaughtering, see Note to clause No. 15, p. 206. See also as to this clause, the extract from Dr. Ballard's Report on Effluvium Nuisances in connexion with slaughter-houses at pp. 188 to 191.

14. Every occupier of a slaughter-house shall cause the means of water-supply provided in or in connexion with such slaughter-house to be kept, at all times, in proper order and efficient action, and shall provide for use on the premises a sufficient supply of water for the purpose of thoroughly washing and cleansing the floor or pavement, every part of the internal surface of every wall of such slaughter-house, and every vessel or receptacle which may be used for the collection and removal from such slaughter-house of any blood, manure, garbage, filth, or other refuse products of the slaughtering of any cattle or the dressing of any carcass on the premises.

Water supply to be properly maintained.

NOTE.—The Prefatory Memorandum (see rule 6, and Note, pp. 188, 192) points to the necessity of seeing that premises proposed to be used as slaughter-houses are provided with adequate arrangements for water supply before they are licensed. The provision being made, the above clause requires that it shall be so maintained as, at all times, to secure the efficient cleansing of the premises. With reference to the maintenance of the condition of cleanliness, &c., see the extract from Dr. Ballard's Official Report on Effluvium Nuisances in connexion with slaughter-houses, at pp. 188 to 191.

15. Every occupier of a slaughter-house shall provide a sufficient number of vessels or receptacles, properly constructed of galvanized iron or other non-absorbent material, and furnished with closely-fitting covers, for the purpose of receiving and conveying from such slaughter-house, all blood, manure, garbage, filth, or other refuse products of the slaughtering of any cattle or the dressing of any carcass on the premises.

Provision of vessels for blood, &c.

He shall forthwith upon the completion of the slaughtering of any cattle or the dressing of any carcass in such slaughter-house cause such blood, manure, garbage, filth, or other refuse products to be collected and deposited in such vessels or receptacles, and shall cause all the contents of such vessels or receptacles to be removed from the premises at least once in every *twenty-four hours*.

Periodic removal of blood, &c.

He shall cause every such vessel or receptacle to be thoroughly cleansed immediately after such vessel or receptacle shall have been used for such collection and removal, and shall cause every such vessel or receptacle when not in actual use to be kept thoroughly clean.

Cleaning of vessels.

NOTE.—The blood, manure, &c., having been received into proper vessels, &c., which should always be constructed of some non-absorbent material, the removal of the vessels from the premises at least once in twenty-four hours is required under the terms of sec. 128* of 10 & 11 Vict., c. 34, so that it would not be permissible to make a byelaw requiring such removal once at least in every 48 hours. As a rule, no difficulty is experienced in complying with this requirement, such articles as blood, manure, gut, &c., being in sufficient demand for certain manufacturing purposes; but under any circumstances their retention in a slaughter-house where food for human consumption is often exposed, should not be entertained for a longer period than that specified. Control as to the hours during which the removal is to be effected, and as to the doings of persons carrying it out, is often necessary, but any byelaws as to this should be made under the provisions of section 44† of the Public Health Act, 1875. See as to this the series of byelaws with respect to Nuisances, clauses No. 4–6, pp. 30 to 33. The efficient cleansing of all vessels used in slaughter-houses should be strictly enforced as the result of frequent and systematic inspection.

Clause as
to penal-
ties.

16. Every person who shall offend against any of the foregoing byelaws for the registering and inspection of slaughter-houses, for preventing cruelty therein, for keeping the same in a cleanly and proper state, for removing filth at least once in every *twenty-four hours*, and for requiring such slaughter-houses to be provided with a sufficient supply of water, shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing nuisance to a penalty of *ten shillings* for every day during which such nuisance shall be continued after the conviction for the first offence:

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

NOTE.—It will be observed that this clause provides no penalty for the licensing clauses, since, if the applicant does not comply with the conditions, his penalty will be that he gets no licence. The sums inserted in this clause, namely, *five pounds* and *ten shillings*, are those named in section 128* of 10 and 11 Vict., c. 34, and should, therefore, not be altered.

Repeal of Byelaws.

17. From and after the date of the confirmation of these Byelaws, the Byelaws relating to which were confirmed on the day of in the year One thousand eight hundred and by [one of Her Majesty's Principal Secretaries of State] [the Local Government Board] shall be repealed.

* This section is printed *in extenso* in Appendix No. II., p. 229.

† This section is printed *in extenso* in Appendix No. II., p. 213.

NOTE.—If there are in force any byelaws upon the subject to which this series refers, and the Sanitary Authority are desirous of repealing such byelaws, the blank spaces in the above clause should be filled in, and the clause added to the series.

As regards proposals to make byelaws for the regulation of public slaughter-houses, the subjoined extract from a circular letter of the Local Government Board, 25th July, 1882, will go to show that such byelaws need, as a rule, only be few in number, and that they may readily be based on certain of the clauses as to slaughter-houses licensed under the Public Health Act, 1875 :—

Byelaws as to public slaughter-houses.

“By section 169 of the 38 & 39 Vict., cap. 55, it is enacted that any Urban Authority may, if they think fit, provide slaughter-houses, and that they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided.

“The Board have been called upon to revise and confirm many series of byelaws for the regulation of public slaughter-houses; but these slaughter-houses have, for the most part, been provided in pursuance of the powers conferred by Local Acts. The matters as to which byelaws are authorized by such Local Acts are generally described with some minuteness, and with reference to the requirements of the particular establishment to which each Act relates.

“In the few instances in which application has been made to the Board for confirmation of byelaws with respect to public slaughter-houses provided under section 169 of the Public Health Act, 1875, they have found that local trade usages, the extent and plan of the premises, and the administrative arrangements of the Sanitary Authority render it necessary to embody in each set of byelaws rules which are altogether special in their characteristics. The experience of the Board leads them to the conclusion that, to ensure good management, Sanitary Authorities may be advised to rely mainly upon the structural fitness of the premises, the provision of needful appliances and conveniences, and the efficient discharge by their officers and servants of duties having for their object the maintenance of the premises in a cleanly and wholesome condition. The control thus exercised by a Sanitary Authority, as owners of a public slaughter-house, may, if necessary, be supplemented by a few byelaws such as may be readily framed upon the basis of some of the clauses comprised in the Model Series relating to private slaughter-houses.”

APPENDIX II.

Sections of the Public Health Act, 1875 (38 & 39 Vict., c. 55), and the Public Health (Buildings in Streets) Act, 1888, relating to the application of Byelaws with respect to (A) Cleansing of Footways, Privies, &c., (B) Nuisances, (C) Common Lodging-houses, (D) New Streets and Buildings, and (E) Slaughter-houses.

PUBLIC HEALTH ACT, 1875.

SEC. 4. In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say—

Defini-
tions.

* * * * *

“Surveyor” includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act :

“Lands” and “Premises” include messuages, buildings, lands, easements, and hereditaments of any tenure :

“Owner” means the person for the time being receiving the rack-rent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent :

“Rack-rent” means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises ; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rent-charge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent :

“Street” includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not :

“House” includes schools, also factories and other buildings in which more than twenty persons are employed at one time :

“Drain” means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cess-pool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :

“Sewer” includes sewers and drains of every description, except drains to which the word “drain” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act :

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Power
of local
authority
to enforce
drainage of
undrained
houses.

SEC. 23. Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the local authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the local authority are entitled to use, and which is not more than *one hundred feet* from the site of such house ; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place, not being under any house, as the local authority direct ; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall, as on the report of their surveyor may appear to them to be necessary.

If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion, as they deem just, the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

Power
of local
authority
to require
houses to
be drained
into new
sewers.

SEC. 24. Where any house within the district of a local authority has a drain communicating with any sewer, which drain, though sufficient for the effectual drainage of the house, is not adapted to the general sewerage system of the district, or is, in the opinion of the local authority, otherwise objectionable, the local authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain

or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

SEC. 25. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall, as on the report of the surveyor may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into any sewer which the urban authority are entitled to use, and which is within *one hundred feet* of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Penalty on building house without drains in urban district.

Any person who causes any house to be erected or rebuilt, or any drain to be constructed in contravention of this section, shall be liable to a penalty not exceeding *fifty pounds*.

PRIVIES, WATERCLOSETS, &C.

SEC. 35. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without a sufficient watercloset, earthcloset, or privy and an ashpit furnished with proper doors and coverings.

Penalty on building houses without privy accommodation.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding *twenty pounds*.

SEC. 36. If a house within the district of a local authority appears to such authority by the report of their surveyor or inspector of nuisances to be without a sufficient watercloset, earthcloset, or privy, and ashpit, furnished with proper doors and coverings, the local authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient watercloset or earthcloset or privy, and an ashpit furnished as aforesaid, or either of them, as the case may require.

Power of local authority to enforce provision of privy accommodation for houses.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: Provided that where a watercloset, earthcloset, or privy has been and is used in common by the inmates of two or three houses, or if in the opinion of the local

authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house.

As to
earth-
closets.

SEC. 37. Any enactment in force within the district of any local authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the local authority, of an earthcloset.

Any local authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any local authority may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorizing substance to any house within their district for the purpose of any earthcloset.

In this Act the term "earthcloset" includes any place for the reception and deodorization of fæcal matter, constructed to the satisfaction of the local authority.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

Local
authority
to provide
for cleans-
ing of
streets and
removal of
refuse.

SEC. 42. Every local authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises ;

The cleansing of earthclosets, privies, ashpits, and cesspools ;

either for the whole or any part of their district : moreover, every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act ; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorized to be removed by the local authority, he shall for each offence be liable to a penalty not exceed-

ing *five pounds* : Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which, are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

SEC. 43. If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools, fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse or to cleanse any earthcloset, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the local authority shall be liable to pay to the occupier of such house a penalty not exceeding *five shillings* for every day during which such default continues after the expiration of the said period.

Penalty on neglect of local authority to remove refuse, &c.

SEC. 44. Where the local authority do not themselves undertake or contract for—

- The cleansing of footways and pavements adjoining any premises ;
- The removal of house refuse from any premises ;
- The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises ;

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

Power of local authority to make byelaws imposing duty of cleansing, &c., on occupier.

An urban authority may also make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

SEC. 47. Any person who in any urban district—

- (1.) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person ; or
- (2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the urban authority to remove the same ; or
- (3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom,

Penalty in respect of certain nuisances on premises.

shall for every such offence be liable to a penalty not exceeding *forty shillings*, and to a further penalty not exceeding *five shillings* for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

Periodical removal of manure from mews and other premises.

SEC. 50. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises ; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding *twenty shillings* for each day during which such manure or other refuse matter is permitted to accumulate.

COMMON LODGING-HOUSES.

Registers of common lodging-houses to be kept.

SEC. 76. Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorized under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered without production of the register or of any document or thing on which the entry is founded ; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

All common lodging-houses to be registered as to be kept only by registered keepers.

SEC. 77. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act ; nor unless his name as the keeper thereof is entered in the register kept under this Act : Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

Local authority may refuse to register houses.

SEC. 78. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority ; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

Notice of registration to be fixed to house.

SEC. 79. The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words " Registered Common Lodging-house " in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceed *five pounds*, and to a further penalty of *ten shillings* for every day that such refusal or neglect continues after conviction.

- SEC. 80. Every local authority shall from time to time make byelaws— Byelaws to be made by local authority.
- (1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein ; and
 - (2.) For promoting cleanliness and ventilation in such houses ; and
 - (3.) For the giving of notices and the taking precautions in the case of any infectious disease ; and
 - (4.) Generally for the well-ordering of such houses.

SEC. 81. Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be not complied with accordingly, the local authority may remove such house from the register until it is complied with. Power to local authority to require supply of water to houses.

SEC. 82. The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding *forty shillings*. Lime-washing of houses.

SEC. 83. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required, and transmit to the local authority. Power to order reports from keepers of houses receiving vagrants.

SEC. 84. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the medical officer of health of the local authority, and also to the Poor Law relieving officer of the union or parish in which the common lodging-house is situated. Keepers to give notice of fever, &c., therein.

SEC. 85. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times As to inspection.

when required by any officer of the local authority, give him free access to such house or any part thereof ; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding *five pounds*.

Offences
by keepers
of houses.

SEC. 86. Any keeper of a common lodging-house who—

- (1.) Receives any lodger in such house without the same being registered under this Act ; or
- (2.) Fails to make a report, after he has been furnished by the local authority with schedules for the purpose, in pursuance of this Act, of the persons resorting to such house ; or
- (3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

shall be liable to a penalty not exceeding *five pounds*, and in the case of a continuing offence to a further penalty not exceeding *forty shillings* for every day during which the offence continues.

Evidence
as to family
in proceed-
ings.

SEC. 87. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Conviction
for third
offence to
disqualify
persons
from
keeping
common
lodging-
house.

SEC. 88. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

Interpreta-
tion of
“ common
lodging-
house.”

SEC. 89. For the purposes of this Act the expression “ common lodging-house ” includes, in any case in which only part of a house is used as a common lodging-house, the part so used of such house.

NUISANCES.

Local
authority
to serve
notice
requiring
abatement
of nuis-
ance.

SEC. 94. On the receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises requiring him to abate the same within a time to be specified in the

notice, and to execute such works and do such things as may be necessary for that purpose : Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner :

Secondly. That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the local authority may themselves abate the same without further order.

SEC. 95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction. On non-compliance with notice complaint to be made to justice.

SEC. 96. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose ; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence ; or an order both requiring abatement and prohibiting the recurrence of the nuisance. Power of court of summary jurisdiction to make order dealing with nuisance.

The court may by their order impose a penalty not exceeding *five pounds* on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

SEC. 102. The local authority, or any of their officers, shall be admitted into any premises for the purposes of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on. Power of entry of local authority.

Where under this Act a nuisance has been ascertained to exist, or an

order of abatement or prohibition has been made, the local authority or any of their officers shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

If admission to premises for any of the purposes of this section is refused, any justice on complaint thereof on oath by any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand authorize the local authority or any of their officers to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority or any of their officers on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

UN SOUND MEAT, &C.

Power of
medical
officer of
health to
inspect
meat, &c.

SEC. 116. Any medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animals, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged ; and if any such animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk appears to such medical officer or inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.

Power of
justice to
order
destruction
of unsound
meat, &c.

SEC. 117. If it appears to the justice that any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man ; and the person to whom the same belongs, or did belong at the

time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding *twenty pounds* for every animal, carcass, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk so condemned, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than three months.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

SEC. 118. Any person who in any manner prevents any medical officer of health or inspector of nuisances from entering any premises and inspecting any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk, exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding *five pounds*.

Penalty for hindering officer from inspecting meat, &c.

SEC. 119. On complaint made on oath by a medical officer of health or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Search warrant may be granted by a justice.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding *twenty pounds*.

INFECTIOUS DISEASES AND HOSPITALS.

SEC. 124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place be removed, by order of any justice

Removal of infected persons without proper lodging to hospital by order of justice.

to such hospital or place at the cost of the local authority ; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient ; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding *ten pounds*.

BYELAWS AS TO NEW BUILDINGS.

Power to
make
byelaws
respecting
new build-
ings, &c.

SEC. 157. Every urban authority may make byelaws with respect to the following matters ; (that is to say),

- (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof :
- (2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings, for securing stability and the prevention of fires, and for purposes of health :
- (3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings :
- (4.) With respect to the drainage of buildings, to waterclosets, earth-closets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation :

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove, alter, or pull down any work begun or done in contravention of such byelaws : Provided that no byelaw made under this section shall affect any building erected in any place (which at the time of the passing of the Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

The provisions of this section . . . shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament.

SEC. 158. Where a notice, plan, or description of any work is required by any byelaw made by an urban authority to be laid before that authority, the urban authority shall, within one month after the same has been delivered or sent to their surveyor, or clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.

As to
commence-
ment of
works and
removal
of works
made con-
trary to
byelaws.

Where an urban authority incur expenses in or about the removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where an urban authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

SEC. 159. For the purposes of this Act, the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

What to
be deemed
a new
building.

SEC. 160. The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters; that is to say,

- (1.) With respect to naming the streets and numbering the houses ;
and
- (2.) With respect to improving the line of the streets and removing obstructions ; and
- (3.) With respect to ruinous or dangerous buildings ; and
- (4.) With respect to precautions during the construction and repair of the sewers, streets, and houses ;

Incorporation of
certain
provisions
of 10 & 11
Vict., c.
34.

shall, for the purposes of regulating such matters in urban districts, be incorporated with this Act.

Notices for alterations under the sixty-ninth, seventieth, and seventy-

first sections, directions under the seventy-third section, and orders under the seventy-fourth section of the said Towns Improvement Clauses Act, may, at the option of the urban authority, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served on owners, be recovered from owners instead of occupiers ; and when such cost is recovered from occupiers so much thereof may be deducted from the rent of the premises where the work is done as is allowed in the case of private improvement rates under this Act.

SLAUGHTER-HOUSES.

Power to
provide
slaughter-
houses.

SEC. 169. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided.

For the purpose of enabling any urban authority to regulate slaughter-houses, within their district, the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses, shall be incorporated with this Act.*

Nothing in this section shall prejudice or affect any rights, powers, or privileges of any persons incorporated by any local Act passed before the passing of the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.

Notice
to be
affixed on
slaughter-
houses.

SEC. 170. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding *five pounds* for every such offence, and of *ten shillings* for every day during which such offence continues after conviction.

AS TO BYELAWS.

Authenti-
cation and
alteration
of byelaws.

SEC. 182. All byelaws made by the local authority under and for the purposes of this Act, shall be under their common seal ; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

* These provisions will be found at page 228.

SEC. 183. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence from the local authority ; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Power to
impose
penalties
on breach
of byelaws.

Nothing in the provisions of any Act incorporated herewith shall authorize the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

SEC. 184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper ; nor shall any such byelaws be confirmed—

Confirma-
tion of
byelaws.

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, *one month* at least before the making of such application ; and

Unless for *one month* at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

SEC. 185. All byelaws made by a local authority under this Act, or for purposes of the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority ; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same ; a copy of any byelaws made by a rural authority shall also be transmitted to the overseers of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

Byelaws to
be printed,
&c.

Evidence
of byelaws.

SEC. 186. A copy of any byelaws made under this Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

Byelaws
made
under s. 90
of 5 & 6
Wm. IV.,
c. 76, to be
submitted
to Local
Govern-
ment
Board.

SEC. 187. Byelaws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, chapter seventy-six, for the prevention and suppression of certain nuisances, shall not be required to be sent to a Secretary of State, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act.

As to regu-
lations of
local
authority.

SEC. 188. The provision of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorized to make; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such a manner as they see fit.

OFFICERS OF LOCAL AUTHORITIES.

Appoint-
ment of
officers of
urban
authority.

SEC. 189. Every urban authority shall from time to time appoint fit and proper persons to be medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer; Provided that if any such authority is empowered by any other Act in force within their district to appoint any such officer, this enactment shall be deemed to be satisfied by the employment under this Act of the officer so appointed, with such additional remuneration as they think fit, and no second appointment shall be made under this Act. Every urban authority shall also appoint or employ such assistant collectors and other officers and servants as may be necessary and proper for the efficient execution of this Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Subject, in the case of officers any portion of whose salary is paid out of moneys voted by Parliament, to the powers of the Local Government Board under this Act, the urban authority may pay to the officers and servants so appointed or employed such reasonable salaries, wages, or allowances as the urban authority may think proper, and, subject as aforesaid, every such officer and servant appointed under this Act shall be removable by the urban authority at their pleasure.

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES, &C.

Summary
proceed-
ings for

SEC. 251. All offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary

manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

offences,
penalties,
&c.

SEC. 252. Any complaint or information made or laid in pursuance of this Act shall be made or laid within *six months* from the time when the matter of such complaint or information respectively arose.

General
provisions
as to
summary
proceed-
ings.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information ; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

SEC. 253. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Attorney-General : Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorized to be taken by a local authority in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place situated without their district.

Restriction
on re-
covery of
penalties.

SEC. 254. Where the application of a penalty under this Act is not otherwise provided for, one-half thereof shall go to the informer, and the remainder to the local authority of the district in which the offence was committed : Provided that if the local authority are the informer they shall be entitled to the whole of the penalty recovered ; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

Applica-
tion of
penalties.

SEC. 306. Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board on which

Penalty on
obstructing
execution
of Act.

any byelaw, notice, or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the local authority, be liable for every such offence to a penalty not exceeding *five pounds*.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within *twenty-four hours* after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding *five pounds* for every day during the continuance of such non-compliance.

If the occupier of any premises when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding *five pounds*.

MISCELLANEOUS.

As to byelaws inconsistent with this Act. SEC. 315. Any byelaw made by any sanitary authority under the Sanitary Acts which is inconsistent with any of the provisions of this Act shall, so far as it is inconsistent therewith, be deemed to be repealed.

As to construction of incorporated Acts. SEC. 316. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and, in the case of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, any order confirmed by Parliament and authorizing the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

Saving clause. SEC. 326. * * * * *
And all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act, shall be deemed to be byelaws under this Act.

* * * * *

Public Health (Buildings in Streets) Act, 1888.

BUILDINGS NOT TO BE BROUGHT FORWARD.

SEC. 3 of this Act is as follows:—"Section 156 of the Public Health Act, 1875, is, save as herein-after mentioned, hereby repealed, and in lieu

thereof it is hereby enacted that it shall not be lawful in any urban district, without the written consent of the urban authority, to erect or bring forward any house or building in any street, or any part of such house or building, beyond the front main wall of the house or building on either side thereof in the same street, nor to build any addition to any house or building beyond the front main wall of the house or building on either side of the same.

Any person offending against this enactment shall be liable to a penalty not exceeding *forty shillings* for every day during which the offence is continued after written notice in this behalf from the urban authority :

Provided that the repeal by this Act enacted shall not affect anything duly done or suffered, or any right or liability acquired, accrued, or incurred, or any security given under the section hereby repealed, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against such section, or any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed."

An Act for the Regulation of Chimney Sweepers and Chimneys, 1840.

3 & 4 Vict., c. 85.

SEC. 6. And whereas it is expedient, for the better security from accidents by fire or otherwise, the improved construction of chimneys and flues provided by the said Act be continued ; be it enacted that * * * every chimney or flue hereafter to be built or rebuilt in any wall, or of greater length than *four feet* out of the wall, not being a circular chimney or flue *twelve inches* in diameter, shall be in every section of the same not less than *fourteen inches* by *nine inches* ; * * *

The Towns Improvement Clauses Act, 1847.

10 & 11 Vict., c. 34.

SEC. 74. The occupier (a) of every house or building in, adjoining, or near to any street shall, within *seven days* next after service of an order of the commissioners for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house, or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath ;

Water-spouts to be affixed to houses or buildings.

And in default of compliance with any such order within the period

(a) Or owner, see 38 & 39 Vict., c. 55, s. 160.

aforesaid, such *occupier* (a) shall be liable to a penalty not exceeding *forty shillings* for every day that he shall so make default.

Hoards to
be set up
during
repairs.

SEC. 80. Every person intending to build or take down any building within the limits of the special Act, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall before beginning the same cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers, outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid, standing and in good condition, to the satisfaction of the commissioners, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who fails to put up such fence or hoard, or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or does not remove the same, when directed by the commissioners, within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding *five pounds*, and a further penalty not exceeding *forty shillings* for every day while such default is continued.

And with respect to Slaughter-houses, be it enacted as follows:—

Commis-
sioners
may license
slaughter-
houses, &c.

SEC. 125. The commissioners may license such slaughter-houses and knacker's yards as they from time to time think proper for slaughtering cattle within the limits of the special Act.

No new
slaughter-
house in
future to
be erected
without a
licence.

SEC. 126. No place shall be used or occupied as a slaughter-house or knacker's yard within the said limits which was not in such use and occupation at the time of the passing of the special Act, and has so continued ever since, unless and until a licence for the erection thereof or for the use and occupation thereof as a slaughter-house or knacker's yard have been obtained from the commissioners; and every person who without having first obtained such license as aforesaid, uses as a slaughter-house or knacker's yard any place within the said limits not used as such at the passing of the special Act, and so continued to be used ever since, shall for each offence be liable to a penalty not exceeding *five pounds*, and a like penalty for every day after the conviction of such offence upon which the said offence is continued.

(a) See 38 & 39 Vict., c. 55, s. 160, as to the recovery of these costs from the owner.

SEC. 127. Every place within the limits of the special Act, which shall be used as a slaughter-house or knacker's yard shall, within three months after the passing of such Act, be registered by the owner or occupier thereof at the office of the commissioners, and on application to the commissioners for that purpose the commissioners shall cause every such slaughter-house or knacker's yard to be registered in a book to be kept by them for that purpose: and every person who after the expiration of the said three months, and after one week's notice of this provision from the commissioners, uses or suffers to be used any such place as a slaughter-house or knacker's yard, without its being so registered, shall be liable to a penalty not exceeding *five pounds* for such offence, and a penalty not exceeding *ten shillings* for every day after the first day during which such place shall be used as a slaughter-house or knacker's yard without having been so registered.

Existing slaughter-houses, &c. to be registered.

SEC. 128. The commissioners shall from time to time, by byelaws to be made and confirmed in the manner herein-after provided, make regulations for the licensing, registering, and inspection of the said slaughter-houses and knacker's yards, and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours, and requiring them to be provided with a sufficient supply of water, and they may impose pecuniary penalties on persons breaking such byelaws; provided that no such penalty exceed for any one offence the sum of *five pounds*, and in the case of a continuing nuisance the sum of *ten shillings* for every day during which such nuisance shall be continued after the conviction for the first offence.

Commissioners may make byelaws for regulation of slaughter-houses, &c.

SEC. 129. The justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the special Act, or the non-observance of any of the byelaws or regulations made by virtue of this or the special Act, in addition to the penalty imposed on such person under the authority of this or the special Act, may suspend for any period not exceeding two months the licence granted to such person under this or the special Act, or, in case such person be the owner or proprietor of any registered slaughter-house or knacker's yard, may forbid for any period not exceeding two months the slaughtering of cattle therein, and such justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the special Act, declare the licence granted under this or the special Act revoked, or, if such person be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the licence of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any

Justices may suspend licence of slaughter-houses, &c. in addition to penalty imposed.

registered slaughter-house or knacker's yard is absolutely forbidden as aforesaid, the commissioners may refuse to grant any licence whatever to the person whose licence has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden.

Penalty for slaughtering cattle during suspension of licence, &c.

SEC. 130. Every person who during the period for which any such licence is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house or knacker's yard to which such licence relates, or otherwise uses such slaughter-house or knacker's yard, or allows the same to be used as a slaughter-house or knacker's yard, and every person who during the period that the slaughtering of cattle in any such registered slaughtering-house or knacker's yard is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding *five pounds* for such offence, and a further penalty of *five pounds* for every day on which any such offence is committed after the conviction for the first offence.

Officers may enter and inspect slaughter-houses.

SEC. 131. The inspector of nuisances, the officer of health, or any other officer appointed by the commissioners for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any building or place whatsoever within the said limits kept or used for the sale of butcher's meat, or for slaughtering cattle, and examine whether any cattle, or the carcass of any such cattle, is deposited there, and in case such officer shall find any cattle, or the carcass or part of the carcass of any beast, which appears unfit for the food of man, he may seize and carry the same before a justice, and such justice shall forthwith order the same to be further inspected and examined by competent persons; and in case, upon such inspection and examination such cattle, carcass, or part of a carcass, be found to be unfit for the food of man, such justice shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man; and such justice may adjudge the person to whom such cattle, carcass, or part of a carcass belongs, or in whose custody the same is found, to pay a penalty not exceeding *ten pounds* for every such animal or carcass or part of a carcass so found; and the owner or occupier of any building or place kept or used for the sale of butcher's meat, or for slaughtering cattle, and every other person, who obstructs or hinders such inspector or other officer from entering into and inspecting the same, and examining, seizing, or carrying away any such animal or carcass or part of a carcass so appearing to be unfit for the food of man, shall be liable to a penalty not exceeding *five pounds* for each offence.

The Town Police Clauses Act, 1847.

10 & 11 Vict., c. 89.

SEC. 28. Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding *forty shillings* for each offence, or in the discretion of the justice before whom he is convicted, may be committed to prison, there to remain for a period not exceeding fourteen days ; and any constable or other officer appointed by virtue of this or the special Act shall take into custody, without warrant, and forthwith convey before a justice any person who within his view commits any such offence ; (that is to say,)

Penalty on persons committing any of the offences herein-named.

* * * * *

Every person who slaughters or dresses any cattle, or any part thereof except in the case of any cattle overdriven which may have met with an accident, and which for the public safety or other reasonable cause ought to be killed on the spot :

* * * * *

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers) :

* * * * *

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing except snow thrown so as not to fall on any passenger.

* * * * *

Every person who throws or lays any dirt, litter, or ashes, or night-soil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street : Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases :

* * * * *

The Highway Act, 1835.

5 & 6 Wm. IV., c. 50.

SEC. 72. If any person shall wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers ;

Or shall wilfully lead or drive any horse, ass, sheep, mule, swine, or cattle, or carriage of any description, or any truck or sledge upon any such footpath or causeway ;

Or shall tether any horse, ass, mule, swine, or cattle on any highway, so as to suffer or permit the tethered animal to be thereon ;

Or shall cause any injury or damage to be done to the said highway, or the hedges, posts, rails, walls, or fences thereof ;

Or shall wilfully obstruct the passage of any footway ;

Or wilfully destroy or injure the surface of any highway ;

Or shall wilfully or wantonly pull up, cut down, remove, or damage the posts, blocks, or stones fixed by the said surveyor as herein directed ;

Or dig or cut down the banks which are the securities and defence of the said highways ;

Or break, damage, or throw down the stones, bricks, or wood fixed upon the parapets or battlements of bridges, or otherwise injure or deface the same ;

Or pull down destroy, obliterate, or deface any milestone or post, graduated or direction post or stone, erected upon a highway ;

Or shall play at football or any other game on any part of the said highways, to the annoyance of any passenger or passengers ;

Or if any hawker, higgler, gipsy, or other person travelling shall pitch any tent, booth, stall, or stand, or encamp upon any part of any highway ;

Or if any person shall make or assist in making any fire, or shall wantonly fire off any gun or pistol, or shall set fire to or wantonly let off or throw any squib, rocket, serpent, or other firework whatsoever, within fifty feet of the centre of such carriageway or cartway ;

Or bait, or run for the purpose of baiting, any bull upon or near any highway ;

Or shall lay any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever upon such highway, to the injury of such highway, or the injury, interruption, or personal danger of any person travelling thereon ;

Or shall suffer any filth, dirt, lime, or other offensive matter or thing whatsoever to run or flow into or upon any highway from any house, building, erection, lands, or premises adjacent thereto ;

Or shall in any way wilfully obstruct the free passage of any such highway ;

Every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding *forty shillings*, over and above the damages occasioned thereby.

SEC. 73. If any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever shall be laid upon any highway so as to be a nuisance, and shall not, after notice given by the surveyor, assistant surveyor, or district surveyor, be forthwith removed, it shall and may be lawful for the surveyor, assistant surveyor, or district surveyor, by order in writing from any one justice, to clear

the said highway by removing the said stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing as aforesaid, and to dispose of the same, and to apply the proceeds arising therefrom towards the repairs of the highway within the parish in which such highway may be situate ; provided, nevertheless, that if any soil, ashes, or rubbish shall be laid on any highway, and such soil, ashes, or rubbish, shall not be of sufficient value to defray the expense of removing them, the person who laid or deposited such soil, ashes, or rubbish, shall repay to the said surveyor, assistant surveyor, or district surveyor, the money which he shall have necessarily expended for the removal thereof, which money, in case the same shall not be forthwith repaid, shall be levied as forfeitures are herein directed to be levied.

THE ANIMALS ORDER OF 1886.

(3446.)

PART II.—DISEASE.

CHAPTER 2.—PLEURO-PNEUMONIA.

* * * * *

Movement into or out of Pleuro-Pneumonia Infected Place.

SEC. 15. No cattle shall be moved into or out of a pleuro-pneumonia infected place otherwise than in accordance with the provisions of this Article (that is to say):

* * * * *

II.—Movement out.

* * * * *

(c.) Cattle not affected with pleuro-pneumonia may be moved out of a pleuro-pneumonia infected place in accordance with the following regulations (that is to say):

Regulation A.—For Slaughter.

(i.) The cattle may be moved out of a pleuro-pneumonia infected place to a specified slaughter-house for the purpose of being there forthwith slaughtered.

(ii.) For the movement to the specified slaughter-house as aforesaid there must be a pleuro-pneumonia movement licence of the local authority (Form C) granted on such a certificate of a veterinary inspector as is described in that movement licence.

(iii.) If the movement to the specified slaughter-house is wholly in the district of the same local authority, the cattle so moved shall be moved to the specified slaughter-house under the direction and in charge of an inspector or other officer of the local authority ; and he shall enforce and superintend the immediate slaughter there of the cattle, and

shall forthwith report to the local authority the fact of the slaughter there.

(iv.) If the movement to the specified slaughter-house is to be into the district of another local authority, there must also be a movement licence of that other local authority indorsed on or referring to the first-mentioned licence; which second licence must be granted before the cattle are moved into the district of that other local authority.

(v.) The cattle so moved into the district of that other local authority shall be moved to the specified slaughter-house under the direction and in charge of an inspector or other officer of the local authority out of whose district they are moved; and he shall enforce and superintend the immediate slaughter there of the cattle, and shall forthwith report to both the local authorities the fact of the slaughter there.

* * * * *

CHAPTER 3.—FOOT-AND-MOUTH DISEASE.

* * * * *

Movement into or out of Foot-and-Mouth Disease Infected Place.

SEC. 30. No animal shall be moved into or out of a foot-and-mouth disease infected place otherwise than in accordance with the provisions of this Article (that is to say):

* * * * *

Movement out.

(c.) Animals not affected with foot-and-mouth disease may be moved out of a foot-and-mouth disease infected place in accordance with the following regulations (that is to say):

Regulation A.—For Slaughter.

(i.) The animals may be moved out of a foot and-mouth disease infected place to a specified slaughter-house for the purpose of being there forthwith slaughtered.

(ii.) For the movement to the specified slaughter-house as aforesaid there must be a foot-and-mouth disease movement licence of the local authority (Form U) granted on such a certificate of a veterinary inspector as is described in that movement licence.

(iii.) If the movement to the specified slaughter-house is wholly in the district of the same local authority, the animal so moved shall be moved to the specified slaughter-house under the direction and in charge of an inspector or other officer of the local authority; and he shall enforce and superintend the immediate slaughter there of the animals, and shall forthwith report to the local authority the fact of the slaughter there.

(iv.) If the movement to the specified slaughter-house is to be into the district of another local authority, there must also be a movement licence of that local authority indorsed on or referring to the first-mentioned licence ; which second licence must be granted before the animals are moved into the district of the other local authority.

(v.) The animals so moved into the district of that other local authority shall be moved to the specified slaughter-house under the direction and in charge of an inspector or other officer of the local authority out of whose district they are moved ; and he shall enforce and superintend the immediate slaughter there of the animals, and shall forthwith report to both the local authorities the fact of the slaughter there.

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CHAPTER 15.—SLAUGHTER-HOUSES.

Declaration of Infected Place by Privy Council only.

SEC. 97. Notwithstanding anything in the Act of 1878, or any order of Council, a slaughter-house in which an animal affected with disease or the carcass of a diseased animal is found, shall not, by reason thereof, be declared to be an infected place, except by the Privy Council.

Keeping of Swine in Slaughter-Houses.

SEC. 91. It shall not be lawful for any person, in any case in which the slaughter of any animal is authorized or required by or under the Acts of 1878 to 1886, or any Order of Council, to use for such slaughter any slaughter-house in which swine are kept.

Merchant Shipping (Fishing Boats) Act, 1883.

46 & 47 Vict., c. 41.

SEC. 48. The sanitary authority within whose district any seaport town is situate may, with the sanction of the President of the Board of Trade, from time to time make, revoke, alter, and amend byelaws and regulations relating to seamen's lodging-houses in such town, which shall be binding upon all persons and bodies keeping houses in which seamen are lodged and the owners thereof and persons employed therein. Such byelaws and regulations shall amongst other things provide for the licensing of seamen's lodging-houses, the inspection of the same, the sanitary conditions of the same, the publication of the fact of a house being licensed, the due execution of the byelaws and regulations, and the non-obstruction of persons engaged in securing such execution, the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and the exclusion from licensed houses of persons

Seamen's
lodging-
houses.

of improper character, and sufficient penalties for the breach of such byelaws and regulations not exceeding in any case the sum of *fifty pounds*. All offences under such byelaws and regulations shall be deemed to be offences within the Merchant Shipping Acts, 1854 to 1883, and be punishable accordingly. Such byelaws and regulations shall come into force from a date therein named, and shall be published in the *London Gazette*, and one newspaper at the least circulating in such town, to be designated by the President of the Board of Trade.

If the sanitary authority do not, within a time to be from time to time named by the President of the Board of Trade, make, revoke, alter, or amend byelaws and regulations, the President of the Board of Trade may do so.

The "sanitary authority" means in England the Local Authority under the Public Health Act, 1875, and in the metropolis as defined by the Metropolis Management Act, 1855, the London County Council, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and in Ireland the sanitary authority under the Public Health (Ireland) Act, 1878.

Whenever Her Majesty, by Order in Council, to be published in the *London Gazette*, shall think fit to order that in any seaport town or any part thereof none but persons duly licensed under byelaws and regulations to be made under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, any person acting in contravention of such order shall be guilty of an offence, and shall forfeit a sum not exceeding *one hundred pounds*. Such offence shall be deemed to be an offence within the Merchant Shipping Acts, 1854 to 1883, and be punishable accordingly.

Her Majesty may, by Order in Council, to be published in like manner, from time to time revoke, alter, or amend any such order as aforesaid.

A sanitary authority may defray all expenses incurred by it in the execution of this section out of any funds at its disposal as the sanitary authority of the seaport town, and penalties recovered under the byelaws and regulations of this section shall be added to such funds.

Any byelaws heretofore made for any seaport town under section nine of the Merchant Seamen (Payment of Wages and Rating) Act, 1880, shall continue in force until byelaws and regulations made for such town under this section come into force.

Public Health (Confirmation of Byelaws) Act, 1884.

47 *Vict., c. 12.*

Short title
and con-
struction.

SEC. 1. This Act may be cited as the Public Health (Confirmation of Byelaws) Act, 1884, and shall be construed as one with the Public Health Act, 1875.

SEC. 2. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them : (that is to say)—

Definitions.

“Incorporated enactments” means section one hundred and twenty-eight of the Towns Improvement Clauses Act, 1847, ⁽¹⁾ sections sixty-eight and sixty-nine of the Town Police Clauses Act, 1847, ⁽²⁾ and section forty-two of the Markets and Fairs Clauses Act, 1847, ⁽³⁾ which Acts are herein-after referred to as the incorporated Acts :

“Confirming authority” means, as regards byelaws, rules, and regulations confirmed prior to the nineteenth day of August one thousand eight hundred and seventy-one, or made under any of the incorporated enactments by reason of the incorporation thereof with any local Act and confirmed prior to the tenth day of August one thousand eight hundred and seventy-two, one of Her Majesty’s Principal Secretaries of State ; and as regards other byelaws, rules, and regulations, the Local Government Board.

SEC. 3. Every byelaw made or to be made under any of the incorporated enactments by reason of the incorporation thereof with the Public Health Act, 1848, the Local Government Act, 1858, or the Public Health Act, 1875, or any local Act, or any Provisional Order or any Act confirming such Provisional Order, and every rule and regulation made or to be made by an urban authority under section forty-eight of the Tramways Act, 1870, shall be deemed to have required or to require the confirmation of the confirming authority, and not to have required, or to require any other confirmation, allowance, or approval.

Confirmation of byelaws

SEC. 4. This Act shall not invalidate the confirmation, allowance, or approval of any byelaw, rule, or regulation confirmed, allowed, or approved prior to the passing of this Act, nor shall this Act apply to any byelaw made or to be made under any of the incorporated enactments by reason of the incorporation thereof with any local Act, if such byelaw has or will come into force without any confirmation, allowance, or approval, or if by the express provisions of the local Act and without reference to the provisions with respect to confirmation, allowance, or approval of byelaws in any of the incorporated Acts, such byelaw is required to be confirmed, allowed, or approved otherwise than by the confirming authority.

Saving clause.

⁽¹⁾ 10 & 11 Vict., c. 34, s. 128. Byelaws as to Slaughter-houses.

⁽²⁾ 10 & 11 Vict., c. 89, ss. 68, 69. Byelaws as to Hackney Carriages and Public Bathing.

⁽³⁾ 10 & 11 Vict., c. 14, s. 42. Byelaws as to Markets.

APPENDIX III.

MEMORANDUM concerning a Height to be appointed, under the provisions of the Public Health Acts Amendment Act, 1890, section 23, by Sanitary Authorities, for Rooms to be used for Human Habitation.

It will seldom or never be requisite to appoint by byelaw any *maximum* height for habitable rooms. The following observations have reference to proposals for regulating by byelaw the smallest permissible height—the *minimum* height—for such rooms.

Under customary conditions low-pitched rooms are comparatively more difficult to keep fresh—to “ventilate”—than rooms of greater height. As regards day-rooms, the fact is so far generally recognised that they are usually built of a sufficient height. It is more particularly in the case of sleeping-rooms that builders fail to act upon this knowledge ; and yet it is in sleeping-rooms that adequate height of room is of most importance, because the occupants are not able during sleep to vary the conditions of air-movement through the room.

Byelaws on this subject-matter, being of chief importance for sleeping-rooms, are of most especial importance in the case of domestic buildings, where rooms are to be occupied during the night by a number of persons, or, in the ordinary course of events, they may become so occupied. For the provision of adequate *breathing space for the several occupants* of a room will be materially facilitated or hindered according to the height of the room. A room may provide sufficient *floor-space* for the wants of a given number of persons ; but whether this number of persons shall have enough breathing space to keep them in health will depend upon the *height* of the room. If, for example, they get just enough breathing space when the height is 8 feet or 9 feet, it is obvious that they will not get enough when the height is only 7 feet. The requisite breathing space has, in rooms of such insufficient height, to be got by reducing the number of persons in the room ; that is, by securing to the several occupants a floor area in excess of what would otherwise suffice for their wants. The occupants, not understanding the reason for this, and caring only for floor area, are tempted to pack too many people into the limited breathing space of the room. And thus, it is

DIAGRAMS SHEWING THREE ATTIC ROOMS EACH HAVING A MEAN HEIGHT OF EIGHT FEET.

The roofs are of various familiar constructions. In each of these Attic rooms a minimum height of 5 feet is provided for each room wall, and above that height a portion is shown as sloping. In each case a horizontal ceiling over some part of the floor area is shown. And in each case, by the height and proportion of horizontal ceiling shown in the margin, the mean height of eight feet over the whole floor area is secured; viz —

In Diagram A.
by one half ($\frac{1}{2}$) of the
ceiling being 9ft. high

Lower room shows a ceiling
flat throughout and of 9ft. high

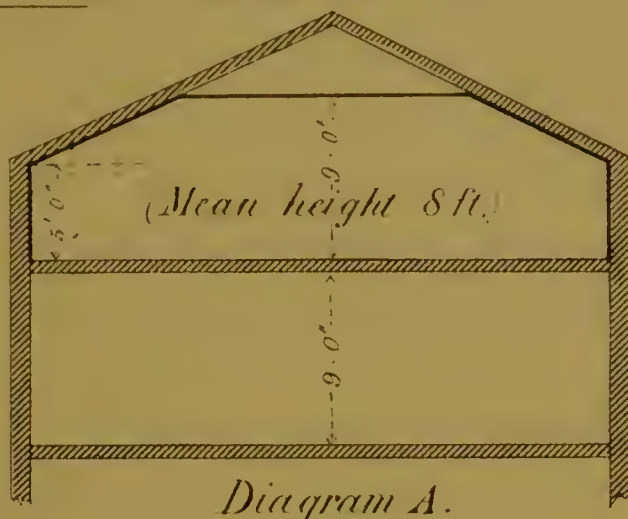


Diagram A.

In Diagram B.
by three fifths ($\frac{3}{5}$) of the
ceiling being 8ft. 9in. high

Lower room shows a ceiling
flat throughout of 9ft. high

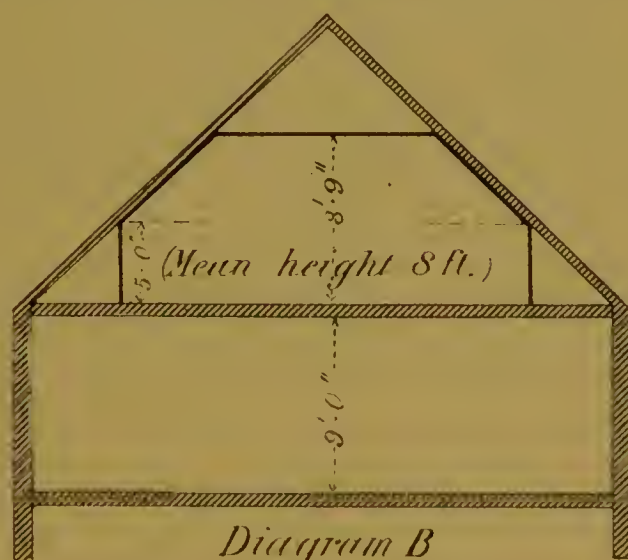


Diagram B

In Diagram C.
by five sixths ($\frac{5}{6}$) of the
ceiling being 8ft 4in. high

Lower room shows a ceiling
flat throughout of 9ft. high

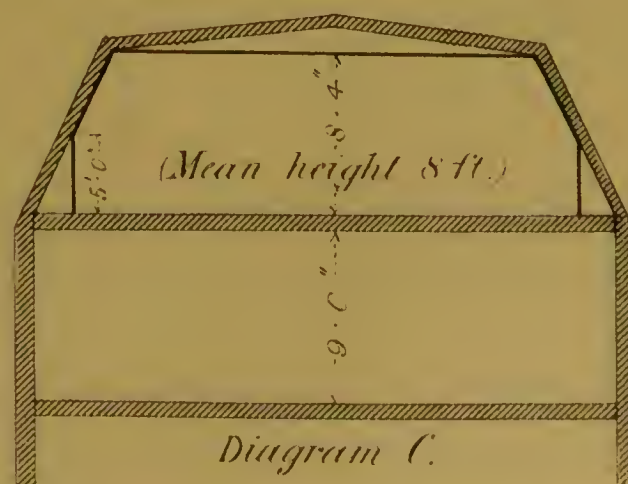


Diagram C.

E. It may be necessary to point out that if an attic floor has to be divided into two unequal rooms, some change might have to be made in the specimen heights above given in order to secure a mean height of not less than 8 feet in every one of the attic rooms.



seen, rooms of insufficient height operate in serious measure to foster that nuisance of "overcrowding" which a sanitary authority desires to repress and prevent.

Having in view these considerations, sanitary authorities will find it advantageous to appoint a minimum height for rooms in general ; and all proper regard being given to economy as well as to health, the minimum had best be 9 feet, $8\frac{1}{2}$ feet, or 8 feet. Nine feet is to be preferred. In no case should a byelaw submitted for the Board's approval propose for any class of room a smaller height than 8 feet over the total area of the room.

In the case of rooms, such as those immediately under the roof of a house, in which the height of the room is not to be uniform, there is the same reason as in the case of other rooms for securing proper height for them. The construction should in these cases be such as to give not less than 8 feet as the *mean height* of the entire room. The attention of sanitary authorities is invited to the appended diagrams, which illustrate how a required mean height of 8 feet is maintained, in one and another plan of roof and attic construction. In these diagrams, while some parts of the room are shown (of course) more than 8 feet high, no part is less than 5 feet in height ; and for various reasons it is well to forbid by byelaw a lower height than this over any part of a dwelling-room.

GEORGE BUCHANAN.

P. GORDON SMITH.

Local Government Board,

December, 1891.

APPENDIX IV.

*Report of the Judgment of Mr. Justice Wills, in the case of
Bromley Local Board v. Maurice Lloyd.*

BROMLEY LOCAL BOARD *v.* MAURICE LLOYD.

Judgment delivered by Mr. Justice Wills, February 23rd, 1893.

HIS LORDSHIP said :—This is a case of some difficulty, as one has been led away from the language of the byelaws by what has been said by a learned brother. That leads one away from the question of whether defendant has provided an entrance to his new road, “40 feet wide from the ground upwards.” I should say that the word “entrance” meant an opening into a street. In many cases it would depend upon local circumstances as to what was meant by “entrance,” but I should say that in most cases it meant the actual opening. In some streets, however, there was no proper entrance, because they might abut upon another road at right angles. I cannot believe that in such cases, if the public road was not more than 20 feet wide, a man could be prevented from making a 40 feet road into it. If the new street ended on private ground, or if there was a strip of private land intervening between his new street and a public road, he could not then comply with this byelaw. Considered apart from authority, this byelaw does not appear to me to bear the extensive meaning which has been given to it by the plaintiff in this case. I find very great difficulty in ascertaining what my learned brother (Mr. Justice North) really did decide in the case of “Pounce.” From the nature of the report—not from any want of clearness on the part of the learned judge—I really do not know what he decided. According to one view, he seemed to decide that although the new road opened 40 feet wide into another old road, yet the byelaws was not complied with. If that was the meaning of his judgment, I confess myself quite unable to go with him; but if I did go with him I cannot think that would be a right view of the Act of Parliament. It may be that the old lane, in this “Pounce” case, was an old private lane, and not a public highway, and I can quite understand the decision of such a case. That brings me to the question of the fact whether or not the White Hart Lane, from Market Square to the cricket field gate, is a public highway for carriages. The byelaw does not say “carriage-way,” but I suppose that is what my learned brother meant. I am well aware that a very serious onus of proof rests upon any person who tries to make out a public right of carriage-way in such a place as this. The question for me is whether that demand has been satisfied. I will give my reasons why, in my judgment, that has been made out. We have abundant

proof that the road from Market Square up to a point "A" is a highway for all purposes. With regard to the upper length to "C D," I conclude from the state of things existing 50 years ago, and from the state of the road previous to the building of Stanhope Villas, that this too was an ancient highway for all purposes; going back to early times, one can quite understand how it became so. A portion of the adjoining land was thrown in to widen the lane up to the property of the late Mr. Jordon. It is quite possible, in the old time, that this lane led up to common land over which the public exercised rights, for we have heard that the land is in possession of the lord of the manor. For this reason it may have been considered worth the while of the local authorities to maintain this lane as a public highway. There is very strong evidence in this case of the acquiescence on the part of adjacent owners, to the use of this lane as a public highway. I am bound to take this fact into account, as a natural explanation of the state of things which have existed there for so many years. The evidence of that old gentleman (Mr. Gill) goes back to 1841, and he had got his books here in court, and nothing was said to him in cross-examination. The repairs which he spoke of as being done to the lane in 1841 were not such repairs as would be done to a mere footpath. It was said that his memory was defective, because he said that, in 1841, the gate was in the same place as it is now. Another witness gave the date as 1844 when the gate was moved, but he was also vague upon the point, and he might be wrong as well as the other man. But the fact of this man having his books, and not being challenged about them, makes me think that he is most likely to be right. He was very clear and definite about having taken carts, and shot road material for the repair of the lane, at the gate of the cricket-field in 1841. This was after the new piece of land was thrown into the road, and the materials were spread from side to side. It is not the only solitary occasion in which the road was similarly treated by the public authorities. This old man had got a whole string of occasions upon which he had taken materials for the repair of this lane. It is, therefore, very strong evidence that the lane was repaired by the surveyors of highways all over, in exactly the same manner as the other carriage roads were done. Whether the landowner, when he widened the road, intended to dedicate the piece of land, or whether he intended to use it only as an approach to his own property, and that occupied by his neighbours—such as Mr. Gedney—is not clear. But, in the first place, you see that if he allowed the public to repair it, he gave them a great advantage to induce them to do so, and he could not very well induce them without dedicating it. Nor could it be shown that he got anything for allowing the adjoining owners and occupiers to use his land as a turning place for their vehicles. I know the difficulties he would have to get the road adopted under the Act of 1835, but it is obvious that he did induce the surveyors to take to the

lane and do the repairs, and those repairs have been done by the authorities ever since. Therefore, whether or not he could legally have imposed this permanent liability upon the public, he actually succeeded in doing so, and it is very strong evidence of his intention to dedicate it. The subject of dedication is not very well understood, and I may as well therefore explain it. If a public authority undertake the repair of a road, without any formal act of dedication, it is presumed that they accept it, and the presumption is that they do so by leave of the owners. But the dedication would not be complete unless the public used the road. The evidence of repair by the public, and user by the public, without resting upon the will of the owner, completes the class of evidence necessary to prove dedication in this case. Under the old Act of 1835 the law on the subject had a different application. You could not throw the obligation for repairs on the parish without complying with the formalities required by the Act. It was held by Lord Campbell, and the whole of the Queen's Bench, that even where a right of passage was secured to the public, such right did not carry with it a liability on the part of the parish to repair. It was shown in this case that the legal duty of repairing never was cast on the parish, but it is also shown that the surveyors of highways treated the course adopted by the owners as an offer of dedication, or they (the surveyors) would not otherwise have accepted the duty of repair. It has also been shown that the duty of repair has been carried out by the Local Board since that body was instituted, and that, upon one occasion, they repaired the road from side to side. It is further shown that, for the last 25 years, the persons in occupation of the premises on the left-hand side of the lane have used this lane in a way which can only be accounted for upon the assumption that it was dedicated to the public, and there is no evidence of any attempt on the part of the owners to dispute the user. It is shown that such user was considerable. A trade has been carried on there for 20 years by Mr. Gedney, and every description of material has been delivered into his premises in the lane. Not only has this been the case, but the carts and other vehicles delivering goods have gone up to the other end of the lane to turn. Beyond this, Mr. Gedney knew that for some years before he came into possession of the premises the same kind of user prevailed, and his predecessors made similar use of the place previous to his occupation. I see no reason why the user should not be presumed to have gone up there from the earliest times, when the additional piece of land was first thrown open. It is not natural to describe this as a private road, and the condition of things existing is only explainable on the ground that there had been dedication on the part of the owners concerned. One other part to which I must refer is that Mr. Jordan purchased the land on which Stanhope Villas were built, shortly before he threw the land into the road, and that he purchased his land without taking in the

consequence any covenant giving him a right of way. It is not conclusive, but having regard to the situation of the place, I should have thought it the more natural thing to take a right of way, unless there was a public right already in existence. The repairs have been continuous over a long period, and conclusive evidence of Clark, and another Local Board road foreman, was given on that point, their experience extending over a considerable number of years. When the Local Board went to borrow a loan for main drainage, the Government Inspector refused to deal with the application until he knew which were public and which were private roads. The Local Board could not get out of their responsibility for the map which they produced before the inspector, by saying that it was prepared by Mr. Williams, and not by the Local Board. That had been suggested; but it would not do. Upon the evidence of that map it was perfectly clear that the whole of the White Hart Lane, right up to the gate, was marked as a public carriage-way. I should be exceedingly sorry to throw any doubt on the Local Board's view of it being their duty to repair this lane in the sense in which they have hitherto done so, by spreading materials from side to side—in treating it in every respect as a public carriage-way. I should be sorry to throw any doubt upon the correctness of what they have done, for there is considerable reason for supposing that, for some reason or other—I don't pretend to say what it was—it was, years ago, accepted and treated as an ancient highway. That is, I think, a fair and proper presumption from the evidence, and seeing the use that was made of it by carts, carriages, and other vehicles, I am of opinion that it is an unlimited ancient highway. One may very fairly take in view what was done, after the widening, with regard to that portion of lane marked "C D." I think there is sufficient to justify one, in the absence of evidence, to conclude that everything was done that was necessary to make this a part and parcel of the public highway. There is no evidence one way or the other. But you find it was so treated by those whose interests were exactly alike, and who were parties to the transaction. If it is otherwise, the onus is on the other side to show that the necessary steps were not taken. That would be very difficult at this distance of time, because, in the old days, the records of the vestries were not kept as they are now. I should be very sorry to encourage the Bromley Local Board to depart from following what they have hitherto done in repairing this road. If I am right, there was at the time this new street was laid out, a public carriage-way up to the entrance. What the defendant has done, in the plan submitted to the Local Board, is eminently sufficient, from any point of view, for compliance with the byelaws to satisfy those byelaws, and my judgment will be for the defendant with costs. The injunction will be dissolved, and an inquiry will be held as to damages.

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